

PLANNING COMMISSION OF MONTEREY PARK AGENDA

**REGULAR MEETING
Monterey Park City Hall Council Chambers
320 West Newmark Avenue**

**Tuesday
February 13, 2018
7:00 PM**

MISSION STATEMENT

**The mission of the City of Monterey Park is to provide excellent services
to enhance the quality of life for our entire community.**

Documents related to an Agenda item are available to the public in the Community and Economic Development Department – Planning Division located at 320 West Newmark Avenue, Monterey Park, CA 91754, during normal business hours and the City's website at www.montereypark.ca.gov.

PUBLIC COMMENTS ON AGENDA ITEMS

You may speak up to 5 minutes on Agenda item. You may combine up to 2 minutes of time with another person's speaking. No person may speak more than a total of 10 minutes. The Board Chair and Board Members may change the amount of time allowed for speakers.

Per the Americans with Disabilities Act, if you need special assistance to participate in this meeting please call City Hall at (626) 307-1359 for reasonable accommodation at least 24 hours before a meeting. Council Chambers are wheelchair accessible.

CALL TO ORDER

Chairperson

FLAG SALUTE

Chairperson

ROLL CALL

Larry Sullivan, Delario Robinson, Theresa Amador, Ricky Choi, and Eric Brossy De Dios

AGENDA ADDITIONS, DELETIONS, CHANGES AND ADOPTIONS

PUBLIC COMMUNICATIONS. While all comments are welcome, the Brown Act does not allow the Commission to take action on any item not on the agenda. The Commission may briefly respond to comments after Public Communications is closed. Persons may, in addition to any other matter within the Commission's subject-matter jurisdiction, comment on Agenda Items at this time. If you provide public comment on a specific Agenda item at this time, however, you cannot later provide comments at the time the Agenda Item is considered.

[1.] PRESENTATIONS - None

[2.] CONSENT CALENDAR - None

2-A. APPROVALS OF MINUTES

It is recommended that the Planning Commission:

- (1) Approve the minutes from the regular meetings of January 9, 2018; and
- (2) Take such additional, related, action that may be desirable.

[3.] PUBLIC HEARING

3-A VARIANCE (V-17-01) TO EXCEED THE MAXIMUM ALLOWED FLOOR AREA FROM 35 PERCENT TO 40 PERCENT OF THE LOT AREA – 1881-1891 WEST ROCK VIEW COURT

It is recommended that the Planning Commission:

- (1) Open the public hearing;
- (2) Receive documentary and testimonial evidence;
- (3) Close the public hearing;
- (4) Adopt the attached Resolution denying Variance (V-17-01), subject to conditions contained therein; and
- (5) Take such additional, related, action that may be desirable.

California Environmental Quality Act (CEQA):

Denying this project is exempt from additional environmental review pursuant to CEQA Guidelines § 15270.

3-B TENTATIVE MAP NO. 78241 (TM-18-01) TO ALLOW FOR THE SUBDIVISION OF AIR-RIGHTS TO ESTABLISH AND MAINTAIN A 2-UNIT RESIDENTIAL CONDOMINIUM CONVERSION DEVELOPMENT IN THE R-2 (MEDIUM DENSITY RESIDENTIAL) ZONE – 417 NORTH SIERRA VISTA AVENUE

It is recommended that the Planning Commission:

- (1) Open the public hearing;
- (2) Receive documentary and testimonial evidence;
- (3) Close the public hearing;
- (4) Adopt the attached Resolution approving Tentative Map No. 78241 (TM-18-01), subject to conditions contained therein; and
- (5) Take such additional, related, action that may be desirable.

California Environmental Quality Act (CEQA):

Pursuant to the California Environmental Quality Act (CEQA) guidelines, the project is Categorically Exempt under § 15315 as a Class 15 categorical exemption (Minor Land Divisions) in that the project consists of the subdivision of air-rights to establish and maintain a 4-unit residential condominium development.

[4.] OLD BUSINESS

4-A TENTATIVE MAP NO. 73622 (TM-15-04) TO ALLOW FOR A ONE LOT SUBDIVISION INTO 9-LOTS IN THE R-1 (LOW DENSITY RESIDENTIAL) ZONE – 1585 SOMBRERO DRIVE

It is recommended that the Planning Commission:

- (1) Open the public hearing;
- (2) Receive documentary and testimonial evidence;

- (3) Close the public hearing;
- (4) Adopt the attached Resolution approving Tentative Map No. 73622 (TM-15-04), subject to conditions contained therein; and
- (5) Take such additional, related, action that may be desirable.

California Environmental Quality Act (CEQA):

Pursuant to the California Environmental Quality Act (CEQA) guidelines, the project is Categorically Exempt under § 15332 as a Class 32 categorical exemption (Infill Development) in that the project consists of the subdivision of one lot into 9-lots for the construction of new single-family dwellings.

[5.] NEW BUSINESS - None

[6.] COMMISSION COMMUNICATIONS AND MATTERS

[7.] STAFF COMMUNICATIONS AND MATTERS

ADJOURN

Next regular scheduled meeting on February 27, 2018.

APPROVED BY:

MICHAEL A. HUNTLEY	
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Planning Commission Staff Report

DATE: February 13, 2018

AGENDA ITEM NO: 2-A

TO: Planning Commission

FROM: Michael A. Huntley, Community and Economic Development Director

BY: Samantha Tewasart, Senior Planner

SUBJECT: Planning Commission Minutes

RECOMMENDATION:

It is recommended that the Planning Commission consider:

- (1) Approve the minutes from the regular meeting of January 9, 2018; and
- (2) Take such additional, related, action that may be desirable.

EXECUTIVE SUMMARY:

None.

Respectfully submitted,



Michael A. Huntley
Community and Economic Development Director

Attachments:

Attachment 1: January 9, 2018 Planning Commission regular meeting minutes

ATTACHMENT 1

January 9, 2018 Planning Commission regular meeting minutes

**UNOFFICIAL MINUTES
MONTEREY PARK PLANNING COMMISSION
REGULAR MEETING
JANUARY 9, 2018**

The Planning Commission of the City of Monterey Park held a regular meeting of the Board in the Council Chambers, located at 320 West Newmark Avenue in the City of Monterey Park, Tuesday, January 9, 2018 at 7:00 p.m.

CALL TO ORDER:

Chairperson Larry Sullivan called the Planning Commission meeting to order at 7:00 p.m.

ROLL CALL:

Planner Tewasart called the roll:

Board Members Present: Larry Sullivan, Delario Robinson, Members, Theresa Amador, Ricky Choi (7:02 p.m.), and Eric Brossy De Dios

Board Members Absent: None

ALSO PRESENT: Karl H. Berger, Assistant City Attorney, Michael A. Huntley, Director of Community and Economic Development, Samantha Tewasart, Senior Planner

AGENDA ADDITIONS, DELETIONS, CHANGES AND ADOPTIONS: None

ORAL AND WRITTEN COMMUNICATIONS: None

[1.] PRESENTATIONS: None

[2.] CONSENT CALENDAR: None

[3.] PUBLIC HEARING:

3-A CONDITIONAL USE PERMIT (CUP-17-12) TO ALLOW THE ALTERATION OF A NONCONFORMING USE FROM A LAUNDROMAT TO A DANCE STUDIO – 441 WEST POMONA BOULEVARD

Planner Tewasart provided a brief summary of the staff report.

Commissioner Brossy de Dios inquired if the conditional use permit or building permit process will trigger any landscaping requirements. Planner Tewasart replied that new landscaping is not proposed as part of the scope of work. However, staff can work with the applicant to incorporate some additional landscaping if there is available space.

Commissioner Choi inquired that sense the proposed use is a nonconforming use in the R-1 Zone if it is up to the Commission at this point to grant to the conditional use permit to have something else there that will continue to be nonconforming or does the Commission need to decide to conform to the existing Zoning Codes.

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Director Huntley replied that about a year ago a code amendment was brought to the Commission. There are a number of properties in the city and this property happens to be one of those associated with the nonconformity of the site and the ability to continue to use it as such. Looking at the site and the condition of what exists today and what is the best use of the property. Single-family residential is allowed on the property right on the freeway frontage street or to allow a change from one nonconforming use to a similar or less intensive nonconforming use. It is up to the Planning Commission. Staff has been able to make the findings necessary to support it. However, if the Commission cannot support it based on a number of issues, the Commission will have to provide the findings to deny the conditional use permit. Staff felt that based on the property's location on the freeway frontage that allowing another similar use on the property would be the best use and not putting a single-family home right on a freeway frontage street such as this.

Commissioner Choi expressed concerns about safety in that area in general and that more lighting will be required.

Commissioner Robinson stated that he has driven through that area for many years and the laundromat has been an eyesore. He is happy to see a potential business there that will improve the building. He pointed out that condition number 25 in the resolution would required the applicant to bring a proposal to the Police Chief to ensure the safety of the children and people that will be on the property.

Chairperson Sullivan opened the public hearing.

Applicant Jennifer Aguirre was present to speak on the project.

Commissioner Brossy de Dios inquired about the type of dance that will be taught. Applicant Aguirre replied that it will be Latin dance. They have been instructors for 10 and 25 years. Commissioner Brossy de Dios stated that his concern is more about the potential for noise particularly in the evening times for the adjacent residential neighbors. Applicant Aguirre replied that have been working with someone that has been guiding them through the construction process and there are ways to do sound barriers. The music will not be consistently on during the evening times. The class is very instructional and tried to music.

Commissioner Brossy de Dios inquired about the air conditioning. Applicant Aguirre replied that currently there are evaporated coolers. Commissioner Brossy de Dios inquired if they will be upgraded. Applicant Aguirre replied that if they are in working condition then they plan to leave it as is. If they have to be updated, then that is something that they will have to look into. Property owner Bernard Smuckler replied that it will be no problem to upgrade the system.

Commissioner Choi inquired if the business is relocating from somewhere else. Applicant Aguirre replied that this will be an expansion from their existing business. Commissioners Choi inquired about the lighting. Property owner Smuckler replied that he will do whatever it takes to make sure the security is there. Applicant Aguirre replied that they also live near the area and the lights on Findlay and Pomona are constantly kept on. Their plan is to have the kids' classes as early as possible because it is a school night mostly during the week. The classes will mostly be from 5 to 7. The later classes will mostly be for adults.

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Commissioner Robinson inquired why the applicant picked the location. Applicant Aguirre replied that they have been looking for a few years, primarily for space. Commissioner Robinson inquired about how long the laundromat has been out of business. Owner Smuckler replied about a year ago. The proposed business is a vast improvement over the existing laundromat.

Chairperson Sullivan stated that the resolution covers a lot of the comments.

Speaker, Shirley Yang, has lived at 2412 Henricks Avenue since 1989. They welcome business in Monterey Park, but have concerns about safety and traffic.

Chairperson Sullivan closed the public hearing.

Commissioner Brossy de Dios stated that he wanted to propose two conditions, one that a landscape plan be submitted and second that sound be mitigated at the site through envelop improvements, maintenance of closed doors and adequate mechanical systems will be used.

Assistant City Attorney Berger stated that this something that the Commission can vote to approve from the standpoint of implementing those particular conditions based upon the residential neighborhood that surrounds this particular use along with the landscaping plan.

Action Taken: The Planning Commission after considering the evidence presented during the public hearing **approved** the requested conditional use permit with two added conditions for 441 West Pomona Boulevard.

Motion: Moved, by Commissioner Brossy de Dios and seconded by Commissioner Robinson, motion carried by the following vote:

Ayes: Commissioners: Sullivan, Robinson, Choi, and Brossy de Dios
Noes: Commissioners: None
Absent: Commissioners: None
Abstain: Commissioners: None

[4.] OLD BUSINESS: None.

[5.] NEW BUSINESS: None.

[6.] COMMISSION COMMUNICATIONS AND MATTERS: None

[7.] STAFF COMMUNICATIONS AND MATTERS:

Director Huntley provided an update on projects.

ADJOURNMENT:

There being no further business for consideration, the Planning Commission meeting was adjourned at 7:30 p.m.

MISSION STATEMENT

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Next regular scheduled meeting on January 23, 2018 at 7:00 p.m. in the Council Chambers.

Michael A. Huntley
Director of Community and Economic Development

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Planning Commission Staff Report

DATE: February 13, 2018

AGENDA ITEM NO: 3-A

TO: The Planning Commission
FROM: Michael A. Huntley, Community and Economic Development Director
SUBJECT: A Public Hearing to Consider a Variance (V-17-01) to exceed the maximum allowed floor area ratio from 35 percent to 40 percent – 1881-1891 West Rockview Court.

RECOMMENDATION:

It is recommended that the Planning Commission consider:

- (1) Opening the public hearing;
- (2) Receiving documentary and testimonial evidence;
- (3) Closing the public hearing;
- (4) Adopting the Resolution denying Variance (V-17-01); and
- (5) Taking such additional, related, action that may be desirable.

CEQA (California Environmental Quality Act)

Denying this project is exempt from additional environmental review pursuant to CEQA Guidelines § 15270.

EXECUTIVE SUMMARY:

The applicant, Jose Murguia, on behalf of the property owner, Jose Luis Saavedra, is requesting a Variance to exceed the maximum allowed floor area ratio from 35 percent to 40 percent at 1881-1891 West Rockview Court. The property is zoned R-1 (Single-Family Residence) and is designated Low Density Residential in the General Plan.

After reviewing the application, planning staff does not believe that there is sufficient evidence to support the findings required for a variance in accordance MPMC § 21.32.010 for the reasons set forth in the staff report and draft resolution. Accordingly, staff recommends that the Planning Commission deny the application.

BACKGROUND:

Property Description

The subject property is located on the north side Rockview Court, between Bluffhill Drive and Brightwood Street. The subject lot is 15,490 square feet (0.36 acres) in size. The project site is currently comprised of two separate parcels, which would be merged in order to construct the proposed single-family dwelling. The two parcels are currently

constructed with existing detached one-story single-family dwellings approximately 1,300 square feet in size constructed in 1957. Properties located to the north, south, east, and west of the subject property are zoned R-1 (Single-Family Residential).

Project Description

The applicant is proposing to construct a 6,196 square feet, two-story single-family dwelling, which will be 40 percent of the lot area, or 620 square feet greater than maximum area allowed. According to Monterey Park Municipal Code (MPMC) § 21.08.080, the maximum floor area ratio allowed for a lot greater than 10,000 square feet in size is 35 percent of the lot area, which equates to 5,576 square feet for the subject property.

According to MPMC § 21.32.010(A), when difficulties, hardships or results inconsistent with the general intent and purpose of this title occur by reason of the strict and literal interpretation of any of its provisions, a variance may be granted. The Planning Commission must make all the following findings to grant a variance (MPMC § 21.32.010(B)):

1. There are special circumstances applicable to the property, including size, shape, topography, location or surroundings, *that do not generally apply to other properties in the same zone* (emphasis added).
2. Because of such circumstances or conditions, a variance is necessary for the preservation and enjoyment of a substantial property right possessed by other property in the vicinity and in the same zone, but which is denied to the property in question.
3. The variance is consistent with the General Plan and the MPMC.
4. Granting the variance will not result in material damage or prejudice to other property in the vicinity, nor be detrimental to public safety or welfare.
5. The variance *does not grant special privilege to the applicant* (emphasis added).

It does not appear that there are sufficient facts allowing the Planning Commission to make findings No. 1 or No. 5 (at a minimum).

Findings

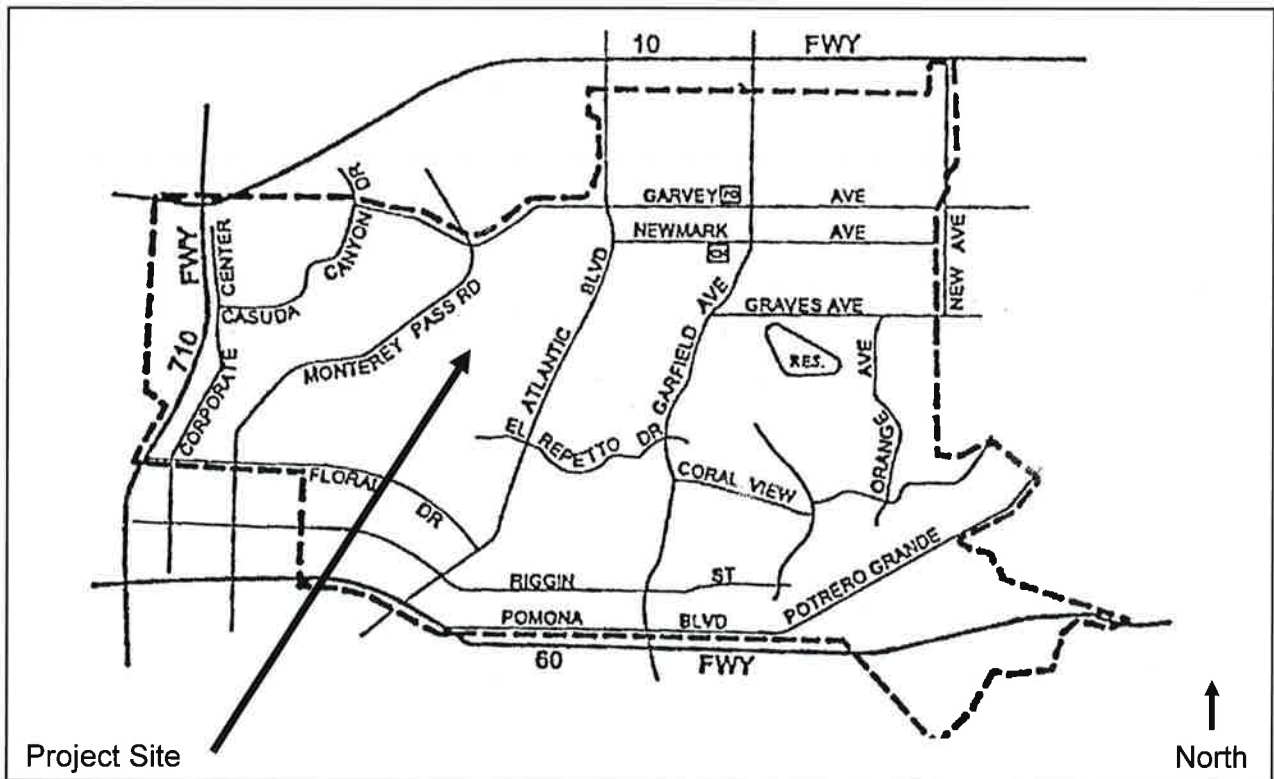
According to the applicant, the most prominent special physical circumstance of the property, other than the irregular shape of the lot, is the size. The irregular shape limits the architectural design options due to the curved front property line. According to the Los Angeles County Assessor's Parcel maps, however, although the subject lot is not a standard rectangular shape, there are other lots within the vicinity that have a similar configuration to the subject property. Additionally, although the subject property is a sloped property, the topography is not steeper than adjacent properties. Furthermore, there are other properties within the vicinity and in the same zone with rebuilt single-

family dwellings that were designed according to the current development standards and no variances were granted. Lastly, the granting of the variance will allow the subject property to be proportionately larger in size and scale than the adjacent properties and properties within the vicinity, and the applicant will be granted a special privilege. The properties located within the area with lot sizes greater than 10,000 square feet are constructed with single-family dwellings ranging in size from 1,600 square feet to 3,000 square feet.

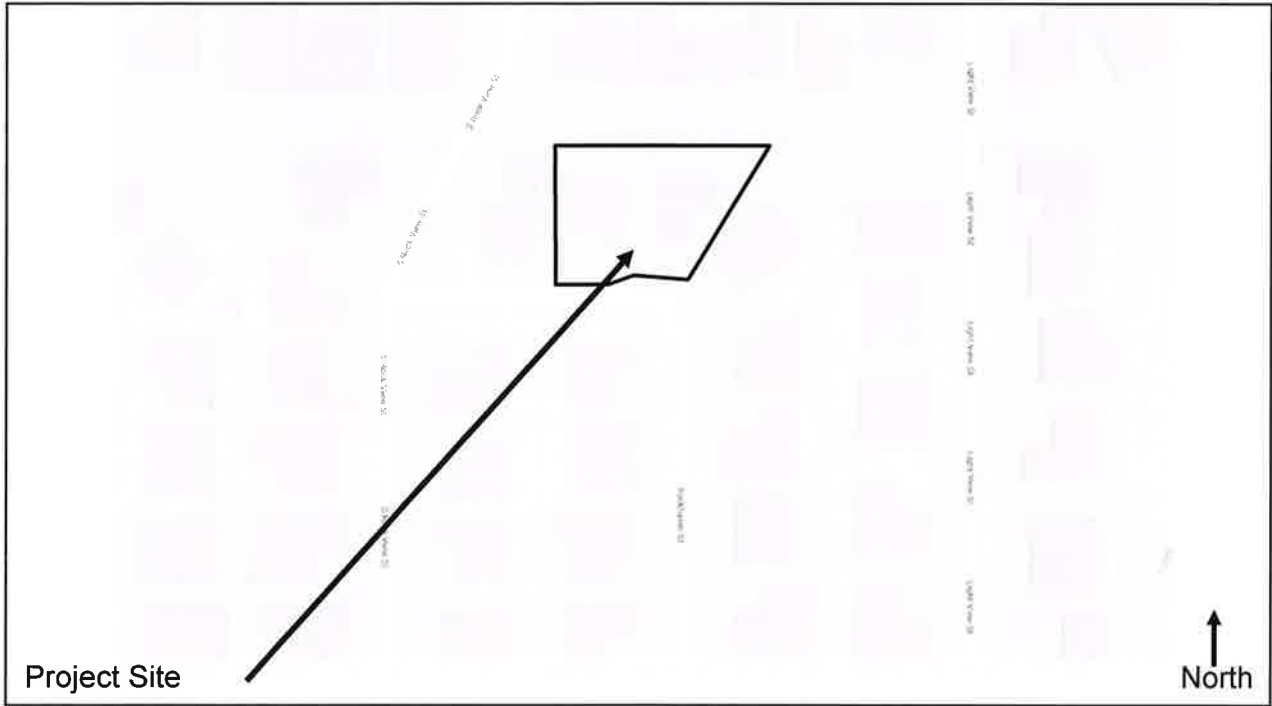
Legal Notification

The legal notice of this hearing was posted at City Hall, Monterey Park Bruggemeyer Library, and Langley Center on **January 16, 2018**, with affidavits of posting on file. The legal notice of this hearing was mailed to **59** property owners within a 300 feet radius and current tenants of the property concerned on **January 16, 2018**.

Vicinity Map



Street Map



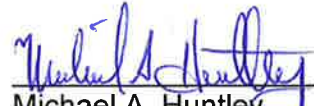
Aerial Map



FISCAL IMPACT:

There may be an increase in sales tax revenue and business license tax revenue. Calculations of the exact amount would be speculative.

Respectfully submitted,



Michael A. Huntley
Community and Economic
Development Director

Prepared by:



Samantha Tewasart
Senior Planner

Reviewed by:



Karl H. Berger
Assistant City Attorney

ATTACHMENTS:

- Attachment 1: Draft Resolution
- Attachment 2: Site and floor plans

ATTACHMENT 1

Draft Resolution

RESOLUTION NO.

A RESOLUTION DENYING VARIANCE (V-17-01) TO EXCEED THE MAXIMUM ALLOWED FLOOR AREA RATIO FROM 35 PERCENT TO 40 PERCENT AT 1881-1981 WEST ROCK VIEW COURT

The Planning Commission of the City of Monterey Park does resolve as follows:

SECTION 1: The Planning Commission finds and declares that:

- A. On August 8, 2017, Jose Murguia, on behalf of the property owner, Jose Luis Saavedra, submitted an application, pursuant to Monterey Park Municipal Code ("MPMC") § 21.32.020, requesting a variance (V-17-01) to exceed the maximum allowed floor area ratio at 1881-1981 West Rock View Court (the "Project");
- B. The Project was reviewed by the City of Monterey Park Community and Economic Development Department for, in part, consistency with the General Plan and conformity with the MPMC;
- C. In addition, the City reviewed the Project's environmental impacts under the California Environmental Quality Act (Public Resources Code §§ 21000, *et seq.*, "CEQA") and the regulations promulgated thereunder (14 California Code of Regulations §§ 15000, *et seq.*, the "CEQA Guidelines");
- D. The Community and Economic Development Department completed its review and scheduled a public hearing regarding the Project before the Planning Commission for February 13, 2018;
- E. On February 13, 2018, the Planning Commission held a public hearing to receive public testimony and other evidence regarding the proposed Project, including, without limitation, information provided to the Planning Commission by City staff and public testimony, and representatives of Jose Luis Saavedra; and
- F. This Resolution and its findings are made based upon the testimony and evidence presented to the Commission at its February 13, 2018 hearings including, without limitation, the staff report submitted by the Community and Economic Development Department.

SECTION 2: *Factual Findings and Conclusions.* The Planning Commission finds that the following facts exist and makes the following conclusions:

- A. The Applicant seeks to exceed the maximum allowed floor area ratio for a single-family dwelling on a lot size greater than 10,000 square feet;
- B. 1881-1891 West Rock View Court is zoned R-1 (Single-Family Residential) and designated Low Density Residential in the General Plan;
- C. The subject property is located on the north side of Rock View Court, between Bluffhill Drive and Brightwood Street;

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CASE NO. V-17-01
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- D. Properties located to the north, south, east, and west include R-1 (Single-Family Residential) zoned lots;
- E. The subject lot is 15,490 square feet (0.36 acres) in size. The project site is currently comprised of two separate parcels, which will be merged in order to construct the proposed single-family dwelling;
- F. The two parcels are currently constructed with existing detached one-story, single-family dwellings approximately 1,300 square feet in constructed in 1957;
- G. According to the Los Angeles County Assessor's Parcel maps other lots within the vicinity that a similar configuration;
- H. Although the subject property is a sloped property, the topography is not steeper than adjacent properties;
- I. There are other properties within the vicinity and in the same zone with rebuilt single-family dwellings that were designed according to the current development standards and no variances were granted;
- J. Granting a variance would allow the subject property to be proportionately larger in size and scale than the adjacent properties and properties within the vicinity; and
- K. The properties located within the area with lot sizes greater than 10,000 square feet are constructed with single-family dwellings ranging in size from 1,600 square feet to 3,000 square feet.

SECTION 3: *Environmental Assessment.* Denying this project is exempt from additional environmental review pursuant to CEQA Guidelines § 15270.

SECTION 4: *Variance Findings.* Based upon the factual findings set forth in Section 2, the Planning Commission cannot make the findings required by MPMC § 21.32.020. Specifically, the Planning Commission finds:

- A. There are no special circumstances applicable to the property.
- B. Granting the variance is inconsistent with the General Plan. According to the General Plan, Goal 10.0 is to maintain the quality and character of Monterey Park's residential neighborhoods. Policy 10.1 states to ensure that the City's zoning regulations, subdivision regulations, and design guidelines are crafted to achieve compatibility between established residential dwellings and new residential development within the same neighborhood. Granting the

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variance will allow the proposed single-family dwelling to be out of character and incompatible with the residential area. The subject property can improved with a building up to 35 percent of the lot size or 5,576 square feet on the subject property.

- C. A variance would result in prejudice to other property in the vicinity because no other floor area ratio variances have been granted to any other property within the area. The proposed dwelling will be out of scale, disproportionate, and oversized compared to other properties in the vicinity.
- D. The variance would give the applicant a special privilege that has not been granted to other similar properties in the vicinity.

SECTION 5: *Actions.* Based upon the findings in Section 4, the Planning Commission denies the application for Variance (V-17-01). This decision may be appealed in accordance with MPMC § 21.32.130.

SECTION 6: *Reliance on Record.* Each and every one of the findings and determinations in this Resolution are based on the competent and substantial evidence, both oral and written, contained in the entire record relating to the project. The findings and determinations constitute the independent findings and determinations of the Planning Commission in all respects and are fully and completely supported by substantial evidence in the record as a whole.

SECTION 7: *Limitations.* The Planning Commission's analysis and evaluation of the project is based on the best information currently available. It is inevitable that in evaluating a project that absolute and perfect knowledge of all possible aspects of the project will not exist. One of the major limitations on analysis of the project is the Planning Commission's lack of knowledge of future events. In all instances, best efforts have been made to form accurate assumptions. Somewhat related to this are the limitations on the City's ability to solve what are in effect regional, state, and national problems and issues. The City must work within the political framework within which it exists and with the limitations inherent in that framework.

SECTION 8: *Summaries of Information.* All summaries of information in the findings, which precede this section, are based on the substantial evidence in the record. The absence of any particular fact from any such summary is not an indication that a particular finding is not based in part on that fact.

SECTION 9: This Resolution will remain effective until superseded by a subsequent resolution.

SECTION 10: A copy of this Resolution will be mailed to Jose Luis Saavedra and to any other person requesting a copy.

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SECTION 11: This Resolution may be appealed 10 calendar days after its adoption. All appeals must be in writing and filed with the City Clerk within this time period. Failure to file a timely written appeal will constitute a waiver of any right of appeal.

SECTION 12: Except as provided in Section 11, this Resolution is the Planning Commission's final decision and will become effective immediately upon adoption.

ADOPTED AND APPROVED this 13th day of February 2018.

Chairperson Larry Sullivan

I hereby certify that the foregoing Resolution was duly adopted by the Planning Commission of the City of Monterey Park at the regular meeting held on the 13th day of February 2018, by the following vote of the Planning Commission:

AYES:
NOES:
ABSTAIN:
ABSENT:

Michael A. Huntley, Secretary

APPROVED AS TO FORM:
Mark D. Hensley, City Attorney

By:



Karl H. Berger
Assistant City Attorney

ATTACHMENT 2

Site, floor, elevation plans



Planning Commission Staff Report

DATE: February 13, 2018

AGENDA ITEM NO: 3-B

TO: The Planning Commission
FROM: Michael A. Huntley, Community and Economic Development Director
SUBJECT: A Public Hearing to consider Tentative Map No. 78241 (TM-17-13) to allow the subdivision of air-rights to establish and maintain a 2-unit condominium conversion project – 417 North Sierra Vista Avenue.

RECOMMENDATION:

It is recommended that the Planning Commission consider:

- (1) Opening the public hearing;
- (2) Receiving documentary and testimonial evidence;
- (3) Closing the public hearing;
- (4) Adopting the Resolution approving Tentative Map No. 78241 (TM-17-13) subject to conditions of approval; and
- (5) Taking such additional, related, action that may be desirable.

CEQA (California Environmental Quality Act)

The proposed project is categorically exempt from the provision of the California Environmental Quality Act (CEQA) per CEQA Guidelines § 15315 (Class 15 – Minor Land Divisions), because the project is the subdivision of air rights for a residential condominium conversion project. The residential units currently exist. No new construction is proposed as part of the project.

EXECUTIVE SUMMARY:

The applicant, Xiaoling Wu, seeks a tentative map to subdivide air rights to establish and maintain a 2-unit condominium conversion project at 417 North Sierra Vista Avenue.

The R-2 (Medium Density Residential) zone allows for a density of up to 2 units and 2 units are currently constructed on the property. The existing units meet the zoning regulations and development standards. The Medium Density Residential land use provides for moderate density housing either as attached or detached units at a density range of 0 to 16 units per acre.

North Sierra Vista Avenue between East Emerson Avenue and East Hellman Avenue is currently developed with a mixture of one and two-story detached and attached multi-family residential buildings and single-family dwelling units. Multi-unit residential

developments are not uncommon within the vicinity of the subject property. The existing developments range in year of construction from the 1920s to the 1990s. The existing 2 detached residential dwelling units on the subject property were constructed in 2017.

BACKGROUND:

Property Description

The property is located on the west side of North Sierra Vista Avenue, four lots north of East Emerson Avenue, between North Alhambra Avenue and North Rural Avenue. The property is zoned R-2 (Medium Density Residential) and designated Medium Density Residential in the General Plan. Properties located to the north, south, east, and west of the property are R-2 zoned lots. The subject property is 49.75 feet wide and 188 feet deep, totaling 9,353 square feet in area.

Project Description

The property will remain as one lot. Under California law, a tentative map is required to subdivide air space for separate ownership of each of the units.

The front unit is 1,830 square feet in size and has 3-bedrooms and the rear unit is 2,869 square feet and has 3-bedrooms. The units meet the required front and rear setback of 25 feet, 5-foot side setback for the first floor, and 10-foot side setback for the second floor. The units are two stories, at a maximum height of 23 feet 10 inches.

Pursuant to Monterey Park Municipal Code (MPMC) § 21.22.050, condominium units with three bedrooms require 2 enclosed garage spaces. Overall, 4 enclosed garage spaces and 1 guest parking spaces are provided. Each unit has a two-car garage plus one guest parking space is provided between the front and rear units meeting the off-street parking requirement. The driveway has a width of 20 feet.

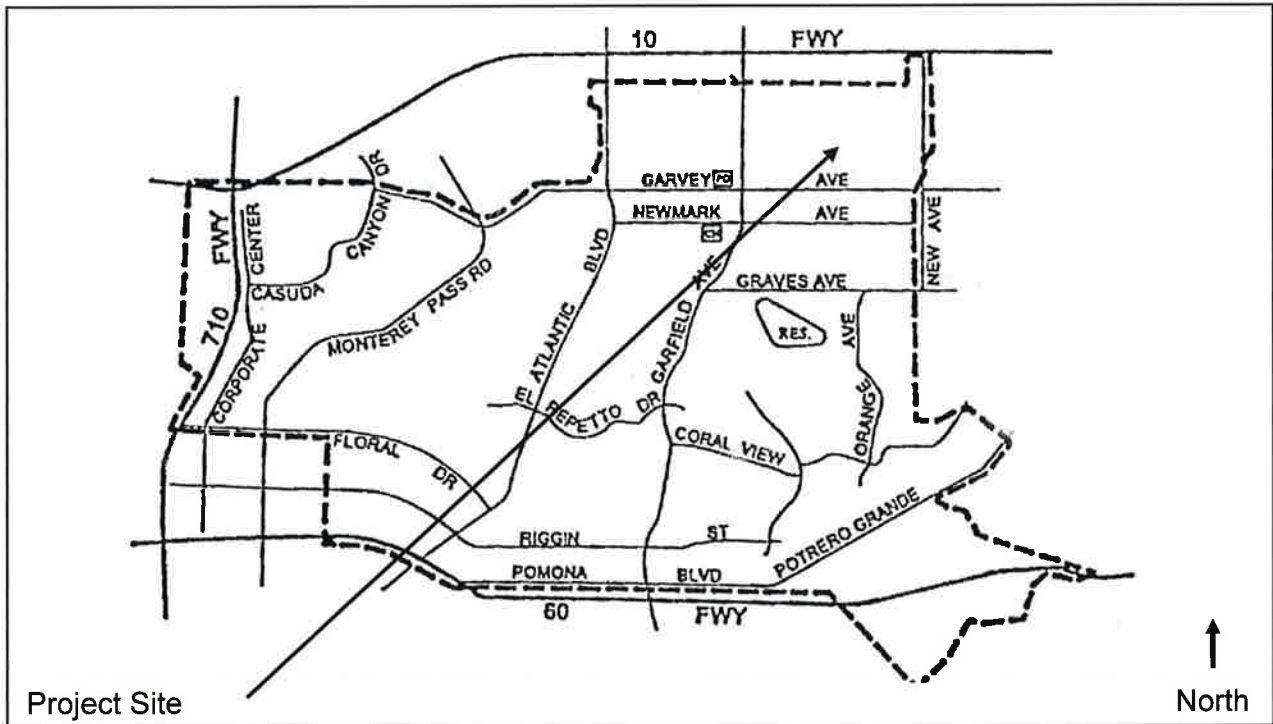
Per the MPMC, a minimum of 400 square feet of common open space and a minimum of 250 square feet of private open space per unit is required. According to the site plan, the project will provide a 400 square foot common open space between the front and rear units, and each unit will provide at least 250 square feet of private open space adjacent to the units. The common open space area will be regulated by CC&Rs and maintained by a Homeowner's Association.

The project is in compliance with R-2 development standards. The project design was reviewed by the Design Review Board on February 3, 2015.

Legal Notification

The legal notice of this hearing was posted at the subject site, City Hall, Monterey Park Bruggemeyer Library, and Langley Center on **January 9, 2018** and published in the Wave on **January 18, 2018**, with affidavits of posting on file. The legal notice of this hearing was mailed to **113** property owners within a 300 feet radius and current tenants of the property concerned on **January 9, 2018**.

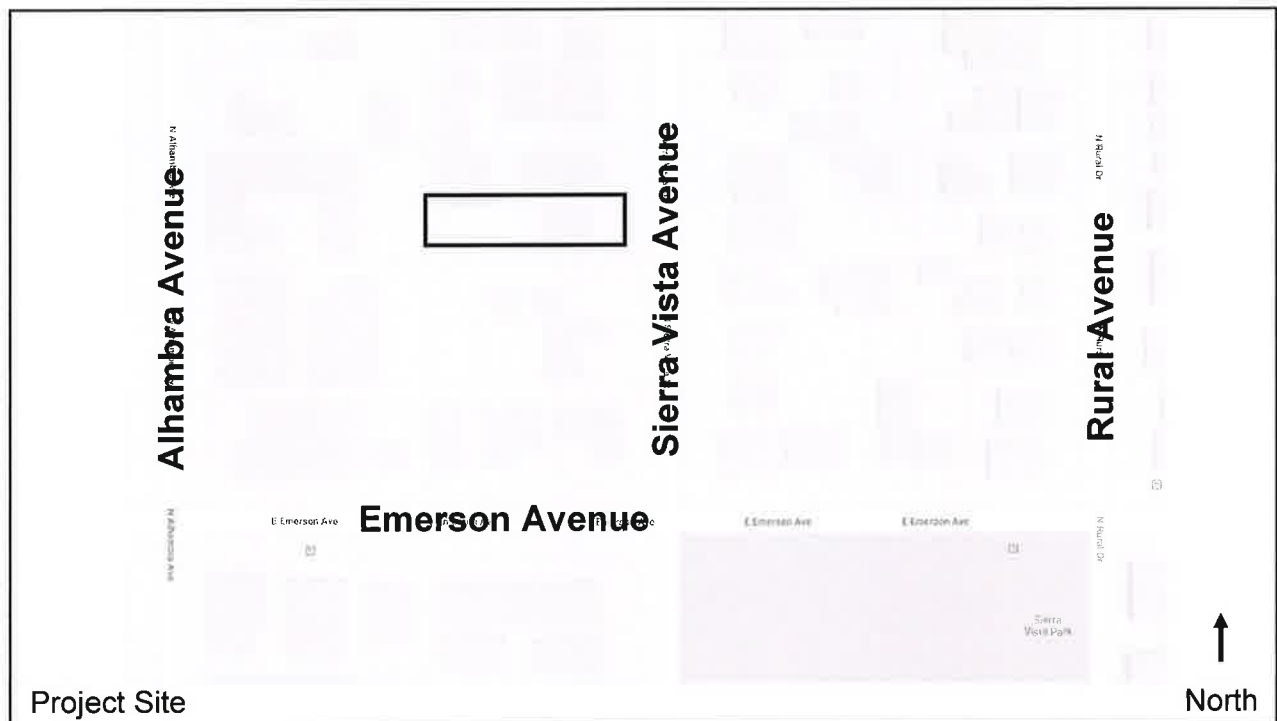
Vicinity Map



Street Map



Aerial Map



FISCAL IMPACT:

There may be an increase in sales tax revenue and business license tax revenue. Calculations of the exact amount would be speculative.

Respectfully submitted,


Michael A. Huntley
Community and Economic
Development Director

Prepared by:


Samantha Tewasart
Senior Planner

Reviewed by:


Karl H. Berger
Assistant City Attorney

Attachments:

Attachment 1: Draft Resolution

Attachment 2: Tentative Map No. 78241

ATTACHMENT 1

Draft Resolution

RESOLUTION NO.

A RESOLUTION APPROVING TENTATIVE MAP NO. 78241 (TM-17-13) TO SUBDIVIDE AIR RIGHTS FOR A TWO-UNIT RESIDENTIAL CONDOMINIUM CONVERSION DEVELOPMENT AT 417 NORTH SIERRA VISTA AVENUE.

The Planning Commission of the City of Monterey Park does resolve as follows:

SECTION 1: The Planning Commission finds and declares that:

- A. On December 27, 2017, Xiaoling Wu, submitted an application pursuant to Title 20 of the Monterey Park Municipal Code ("MPMC") requesting approval of Tentative Map No. 78241 (TM-17-13) to subdivide air rights to establish and maintain a 2-unit condominium conversion project at 417 North Sierra Vista Avenue ("Project");
- B. The proposed Project was reviewed by the Community and Economic Development Department for, in part, consistency with the General Plan and conformity with the MPMC;
- C. In addition, the City reviewed the Project's environmental impacts under the California Environmental Quality Act (Public Resources Code §§ 21000, *et seq.*, "CEQA") and the regulations promulgated thereunder (14 California Code of Regulations §§ 15000, *et seq.*, the "CEQA Guidelines");
- D. The Community and Economic Development Department completed its review and scheduled a public hearing regarding the proposed Project, before the Planning Commission for February 13, 2018. Notice of the public hearing on the proposed Project was posted and mailed as required by the MPMC;
- E. On February 13, 2018, the Planning Commission held a public hearing to receive public testimony and other evidence regarding the proposed Project including, without limitation, information provided to the Planning Commission by City staff and public testimony, and representatives of Xiaoling Wu; and
- F. This Resolution and its findings are made based upon the testimony and evidence presented to the Commission at its February 13, 2018 hearing including, without limitation, the staff report submitted by the Community and Economic Development Department.

SECTION 2: *Factual Findings and Conclusions.* The Planning Commission finds that the following facts exist and makes the following conclusions:

- A. The Applicant seeks to subdivide the air rights for condominium purposes;
- B. 417 North Sierra Vista Avenue is zoned R-2 (Medium Density Residential) and designated Medium Density Residential in the General Plan;

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- C. The Project property is located on the west side of North Sierra Vista Avenue. Properties located to the north, south, east, and west of the property are R-2 zoned lots; and
- D. The Project property is 9,353 square feet (0.21 acres) in area and is currently developed with 2 detached residential dwelling units.

SECTION 3: Environmental Assessment. Because of the facts identified in Section 2 of this Resolution, the Project is categorically exempt from additional environmental review pursuant to CEQA Guidelines § 15315 as a Class 15 categorical exemption (Minor Land Divisions).

SECTION 4: Tentative Map Findings. The Commission finds as follows pursuant to Government Code § 66474 and MPMC Title 20:

- A. The proposed tentative map is consistent with applicable general and specific plans as required by Government Code § 66473.5. The tentative map for this project would allow 2 condominium units on the site. This is less than the maximum density of 16 dwelling units per acre for this site. Consequently, the project complies with the General Plan. The property is located on North Sierra Vista Avenue, a local street with a 50-foot right-of-way, which is adequate in size and capacity to accommodate the anticipated traffic that will be generated by the proposed development. There is no specific plan adopted for this area.
- B. The design or improvement of the proposed subdivision is consistent with applicable general and specific plans. The design of the proposed subdivision is consistent with the General Plan in that the project is a 2-unit condominium conversion project, which is compatible with the medium density housing either attached or detached allowed in the medium density residential category. There is no specific plan adopted for this area.
- C. The site is physically suitable for the type of development and the proposed density of the development. The size of the property is 9,353 square feet (0.21 acres) and adequate in size to accommodate a 2-unit condominium conversion project because in the R-2 Zone one dwelling unit is allowed for every 4,356 square feet of lot area on lots of 9,000 square feet or more.
- D. The design of the subdivision or the proposed improvements is not likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat. The subject property is bordered by residentially developed lots to the north, south, east, and west. There are no rare plants, wild animals nor cultural, historical or scenic aspects within the surrounding area.
- E. The design of the subdivision or the type of improvements is not likely to cause serious public health problems. The proposed subdivision will not cause any public health

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problems in that the subject development will be constructed according to all City, State, and Federal regulations and specifications.

- F. The design of the subdivision or the type of improvements will not conflict with easements, acquired by the public at large, for access through or use of, property within proposed subdivision. There are no public easements for access within the proposed development.

SECTION 5: Approval. Subject to the conditions listed on the attached Exhibit "A," which are incorporated into this Resolution by reference, the Planning Commission approves Tentative Map No. 78241 (TM-17-13).

SECTION 6: Reliance on Record. Each and every one of the findings and determinations in this Resolution are based on the competent and substantial evidence, both oral and written, contained in the entire record relating to the project. The findings and determinations constitute the independent findings and determinations of the Planning Commission in all respects and are fully and completely supported by substantial evidence in the record as a whole.

SECTION 7: Limitations. The Planning Commission's analysis and evaluation of the project is based on the best information currently available. It is inevitable that in evaluating a project that absolute and perfect knowledge of all possible aspects of the project will not exist. One of the major limitations on analysis of the project is the Planning Commission's lack of knowledge of future events. In all instances, best efforts have been made to form accurate assumptions. Somewhat related to this are the limitations on the City's ability to solve what are in effect regional, state, and national problems and issues. The City must work within the political framework within which it exists and with the limitations inherent in that framework.

SECTION 8: Summaries of Information. All summaries of information in the findings, which precede this section, are based on the substantial evidence in the record. The absence of any particular fact from any such summary is not an indication that a particular finding is not based in part on that fact.

SECTION 9: This Resolution will remain effective until superseded by a subsequent resolution.

SECTION 10: A copy of this Resolution will be mailed to the Applicant, Xiaoling Wu, and to any other person requesting a copy.

SECTION 11: This Resolution may be appealed within ten (10) calendar days after its adoption. All appeals must be in writing and filed with the City Clerk within this time period. Failure to file a timely written appeal will constitute a waiver of any right of appeal.

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SECTION 12: Except as provided in Section 11, this Resolution is the Planning Commission's final decision and will become effective immediately upon adoption.

ADOPTED AND APPROVED this 13th day of February 2018.

Chairperson Larry Sullivan

I hereby certify that the foregoing Resolution was duly adopted by the Planning Commission of the City of Monterey Park at the regular meeting held on the 13th day of February 2018, by the following vote of the Planning Commission:

AYES:
NOES:
ABSTAIN:
ABSENT:

Michael A. Huntley, Secretary

APPROVED AS TO FORM:
Mark D. Hensley, City Attorney

By:



Karl H. Berger,
Assistant City Attorney

PLANNING COMMISSION RESOLUTION NO.

Exhibit A

CONDITIONS OF APPROVAL

417 NORTH SIERRA VISTA AVENUE

In addition to all applicable provisions of the Monterey Park Municipal Code ("MPMC"), Xiaoling Wu (the "Applicant") agrees that the Applicant will comply with the following conditions for approval of Tentative Map No. 78241 (TM-17-13) ("Project Conditions").

PLANNING:

1. The Applicant agrees to indemnify and hold the City harmless from and against any claim, action, damages, costs (including, without limitation, attorney's fees), injuries, or liability, arising from the City's approval of TM-17-13 except for such loss or damage arising from the City's sole negligence or willful misconduct. Should the City be named in any suit, or should any claim be brought against it by suit or otherwise, whether the same be groundless or not, arising out of the City approval of TM-17-13, the Applicant agrees to defend the City (at the City's request and with counsel satisfactory to the City) and will indemnify the City for any judgment rendered against it or any sums paid out in settlement or otherwise. For purposes of this section "the City" includes the City of Monterey Park's elected officials, appointed officials, officers, and employees.
2. This approval is for the project as shown on the plans reviewed and approved by the Planning Commission and on file. Before the City issues a building permit, the Applicant must submit plans, showing that the project substantially complies with the plans and conditions of approval on file with the Planning and Building and Safety Division. Any subsequent modification must be referred to the Director of Community and Economic Development for a determination regarding the need for Planning Commission review and approval of the proposed modification.
3. The tentative map expires twenty-four months after its approval if the use has not commenced or if improvements are required, but construction has not commenced under a valid building permit. A total of three, one year, extensions may be granted by the Planning Commission upon finding of good cause. An application requesting an extension must be filed with the Community and Economic Development Department.
4. All conditions of approval must be listed on the plans submitted for plan check and on the plans for which a building permit is issued.
5. Before building permits are issued, the applicant must obtain all the necessary approvals, licenses and permits and pay all the appropriate fees as required by the City.

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6. The real property subject to TM-17-13 must remain well-maintained and free of graffiti.
7. Building permits are required for any interior tenant improvements.
8. Landscaping/irrigation must be maintained in good condition at all times.
9. A final map must be approved and recorded before the City issues a certificate of occupancy.
10. All enclosed garage spaces must be used for off-street parking only. There cannot be any personal storage or conversion of this space that would prevent the parking of vehicles in the enclosed garage. This condition must be included in the conditions, covenants and restrictions ("CC&Rs") recorded for this property.
11. The ownership must retain the services of a professional property management company to oversee the maintenance of the property.

ENGINEERING:

12. The applicant must record the Final Map after the City approves the final map in accordance with the MPMC and accepts any applicable bonds or agreements. A refundable \$191 cash deposit must be submitted to guarantee that developer will provide the City with one (1) transparent 4 mil thick mylar tracing, one (1) electronic file of approved final map tracings transferable to City's AutoCAD and GIS systems and two (2) blueprints of the recorded map which must be filed with the City Engineer within three (3) months of recordation. If recorded copy is not submitted by the end of the three-month time period, developer will forfeit the \$191 cash deposit.
13. The applicant/property owner must provide written proof that there are no liens against the subdivision for unpaid taxes or special assessments and submit Los Angeles County tax bill, tax payment receipt, and copy of cancelled check before filing a Final Map with the City for approval.
14. Applicant agrees to pay City any development impact fees ("DIFs") that may be applicable to the Project. Applicant takes notice pursuant to Government Code § 66020(d) that City is imposing the DIFs upon the Project in accordance with the Mitigation Fee Act (Government Code § 66000, *et seq.*). Applicant is informed that it may protest DIFs in accordance with Government Code § 66020.
15. A homeowner's association must be established.
16. Covenants Conditions & Restrictions must be prepared and filed with the City to obtain City Attorney and the City Engineer approval. Developer/owner is responsible for securing the CC&R guidelines from the Office of the City Engineer. A copy of the recorded CC&Rs must be submitted before final

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inspection and clearance of the building permit. The applicant must pay for the City's costs associated with reviewing the CC&Rs including, without limitation, legal costs.

17. All improvement plans, including grading and public improvement plans must be based upon City approved criteria. Benchmark references to be obtained from the Engineering Division.
18. The applicant must provide survey monuments denoting the new property boundaries and lot lines to the satisfaction of the City Engineer. All maps must be prepared from a field survey. Compiled maps are not permitted unless prior approval is granted by the City Engineer. Whenever possible, lot lines must be located to coincide with the top of all man-made slopes. Any deviation from this requirement must be approved by the City Engineer.

FIRE:

19. All conditions identified by the Fire Department are subject to the review and approval of the Fire Chief for determination of applicability and extent to which any condition may be required.
20. All structures must be equipped with an automatic fire sprinkler system per National Fire Protection Association (NFPA) 13D and local amendments.
21. A fire hydrant must be provided such that all points of all structures are within 400 feet of the hydrant. The location of the hydrant must be shown on the Site Plan, per California Fire Code (CFC) § 507.5.1.
22. The minimum required fire flow is 1,500 gpm for 2 hour duration. Plan submittal must include fire flow test data obtained within one-year of the submittal date. The fire flow may be reduced by 75 percent by written request to the Fire Department per CFC Appendix B.

POLICE:

23. Adequate exterior lighting must be provided so that the units are visible from the street during the hours of darkness.
24. If security gates are installed on the property it is recommended that an access control system such as a keypad, car reader, or electric latch retraction devices are installed at ingress and egress gates and doors in order to control and deter unwanted access onto the property. A key card or key code must be provided to the Police Department to access the property in case of an emergency.
25. The shrubbery on the property must be installed and maintained in such condition to permit good visibility of the units from the streets. Any shrubbery

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surrounding the complex and in the courtyard areas must be planted and maintained where the height of the greenery would not easily conceal persons.

26. The driveway leading into the complex must be constructed and maintained in such a condition that traffic is easily visible to those entering or leaving the location.
27. Any outside ladders leading to the roof top must be secured to prevent unauthorized access to the roof.
28. Address number must be illuminated during hours of darkness and positioned as to be readily readable from the street. Numbers must be at least 12 inches in height.
29. Each distinct unit within the building must have its address displayed on or directly above both the front and rear doors.
30. All common open areas must be well lit during the hours of darkness.
31. Signs must be posted at the guest parking areas and in the driveway leading into the complex.
32. A thoroughfare for residents, guests, and any necessary emergency vehicles and/or personnel must be maintained at all times. The Monterey Park Police Department Traffic Bureau must be contacted for sign verbiage and posting locations. The Traffic Bureau Sergeant can be reached at (626) 307-1481.

By signing this document, Xiaoling Wu, certifies that the Applicant read, understood, and agrees to the Project Conditions listed in this document.

Xiaoling Wu, Applicant

ATTACHMENT 2

Tentative Map No. 78241



Planning Commission Staff Report

DATE: February 13, 2018

AGENDA ITEM NO: 4-A

TO: The Planning Commission
FROM: Michael A. Huntley, Community and Economic Development Director
SUBJECT: A Public Hearing to consider Tentative Map No. 73622 (TM-15-04) to subdivide one lot into 9 lots – 1585 Sombbrero Avenue.

RECOMMENDATION:

It is recommended that the Planning Commission consider:

- (1) Opening the public hearing;
- (2) Receiving documentary and testimonial evidence;
- (3) Closing the public hearing;
- (4) Adopting the Resolution approving Tentative Map No. 73622 (TM-15-04) subject to conditions of approval; and
- (5) Taking such additional, related, action that may be desirable.

CEQA (California Environmental Quality Act)

The proposed project is categorically exempt from the provision of the California Environmental Quality Act (CEQA) per CEQA Guidelines § 15332 (Class 32 – In-fill Development), because the project consists of the subdivision of land for the construction of new single-family dwelling units.

EXECUTIVE SUMMARY:

The applicant, Yaonan Duan, is requesting approval of a Tentative Map to subdivide one lot into 9 lots at 1585 Sombbrero Drive ("Project Site").

On August 11, 2015, this application was presented to the Planning Commission for review and approval. At the meeting the Planning Commission expressed concerns about the slope stability and continued the application to October 13, 2015. On October 13, 2015, the applicant requested to continue the application to a date uncertain to allow for additional time to address the concerns. After a lengthy review between the project engineering firm, EGL Associates, and the City's Engineering Division, the project Geotechnical Report was approved and the application is brought back to the Planning Commission for review.

Extensive slope stability analysis has been conducted per the City's request. The analyses were conducted on a per lot basis, and were conducted on the most critical conditions of temporary cut and permanent building conditions. In order to maintain necessary slope stability, the geotechnical report requires that caissons be installed and that the built up slope include geogrids to stabilize the temporary and permanent slopes.

In summary, according to the Geotechnical Report, the proposed slopes with building loads were analyzed on a lot-by-lot basis. The upper slopes will be constructed with shoring piles a minimum of 2 feet in diameter and spaced 4 feet on center. The shoring will be designed as permanent structures to support the fill left in place and the new proposed fill. The shoring is designed for the lateral load capacities. A geogrid system will be used on the upper slope. The geogrid system will be placed every 2 feet vertical up to 3 feet below the bottom of the footings, or 5 feet below the proposed pad grade, whichever is deeper, and extend the entire width and length of the compacted fill. Any future excavations on any lot must be reviewed on a lot-by-lot basis. The geogrid placement is to be separate from the retaining walls construction and does not need to tie into the walls. Based on the results of the slope stability analyses the stabilization of the lower and upper slopes is possible utilizing geogrid and piles.

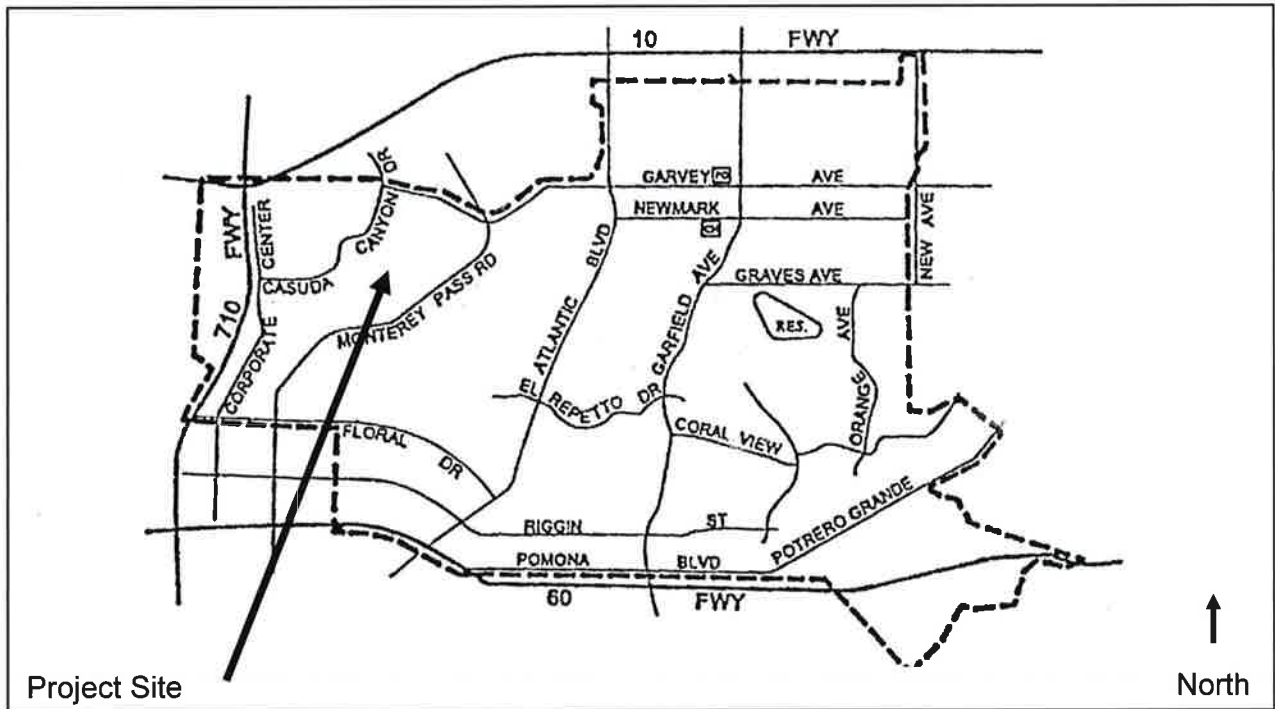
Additionally, on December 2017, the applicant hosted an outreach meeting to discuss the Geotechnical Report with the adjacent properties. Notices about the meeting were mailed to the properties located within 300 feet of the subject property. According to the applicant, eleven people were in attendance.

Overall, the scope of the project has not changed since the August 11, 2015 meeting. The design and project layout are the same. Staff has included the August 11, 2015 Planning Commission staff report for reference. The only new information presented to the Planning Commission is the approved Geotechnical Report. The proposed project meets the City's zoning regulations and development standards. The Low Density Residential land use allows traditional single-family homes, with one dwelling unit permitted per legal lot. Residences in this category consist generally of single-family detached houses with private yards. The subject property is currently a vacant hillside lot. The existing developments on Sombrero Drive include single-family dwellings many of which were constructed in the 1960s.

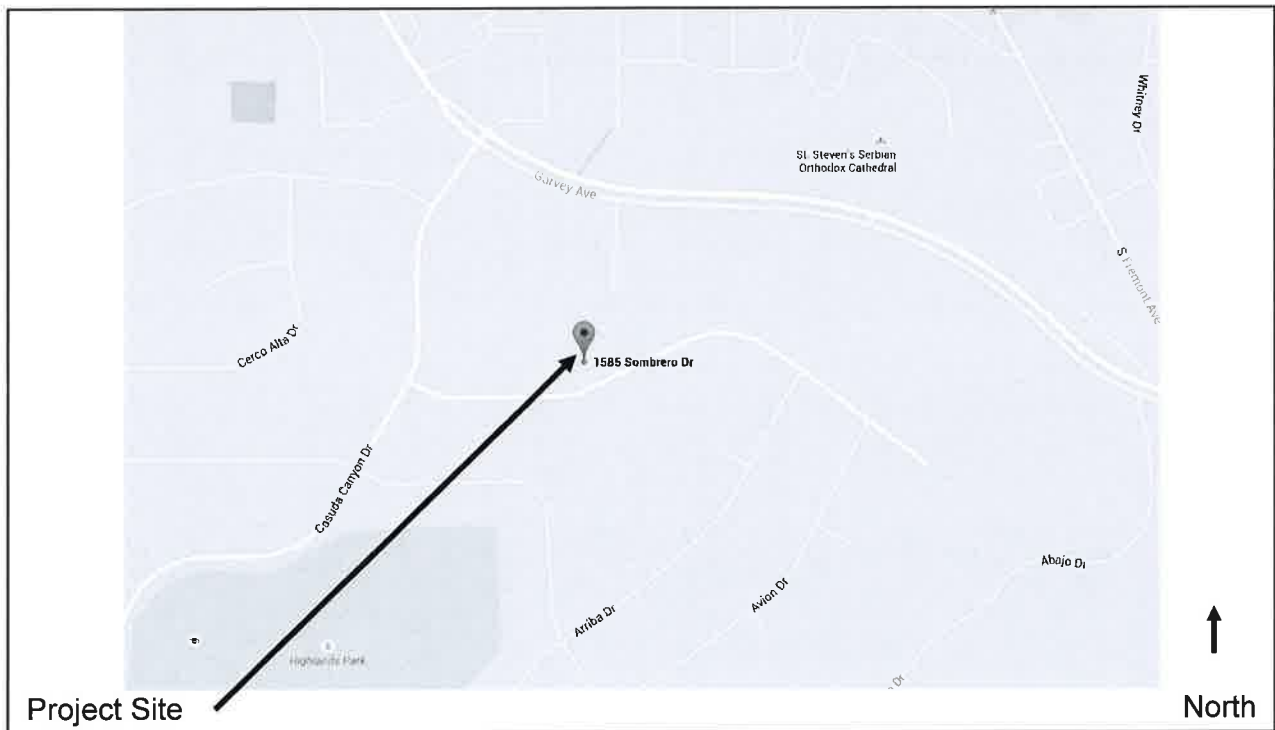
Legal Notification

The legal notice of this hearing was posted at the subject site, City Hall, Monterey Park Bruggemeyer Library, and Langley Center on **January 16, 2018** and published in the Wave on **January 25, 2018**, with affidavits of posting on file. The legal notice of this hearing was mailed to **152** property owners within a 300 feet radius and current tenants of the property concerned on **January 16, 2018**.

Vicinity Map



Street Map



Aerial Map



FISCAL IMPACT:

There may be an increase in property tax revenue as a result of the project, but the exact amount would be speculative.

Respectfully submitted,


Michael A. Huntley
Community and Economic
Development Director

Prepared by:


Samantha Tewart
Senior Planner

Reviewed by:


Karl H. Berger
Assistant City Attorney

Attachments:

Attachment 1: Draft Resolution

Attachment 2: Tentative Map No. 73622

Attachment 3: Planning Commission Staff Report, dated August 11, 2015

Attachment 4: Planning Commission Minutes, dated August 11, 2015

Attachment 5: Project Geotechnical Report

ATTACHMENT 1

Draft Resolution

RESOLUTION NO.

A RESOLUTION APPROVING TENTATIVE MAP NO. 073622 (TM-15-04) TO SUBDIVIDE ONE LOT INTO 9 LOTS AT 1585 SOMBRERO DRIVE.

The Planning Commission of the City of Monterey Park does resolve as follows:

SECTION 1: The Planning Commission finds and declares that:

- A. On June 4, 2015, Yaonan Duan, submitted an application pursuant to Title 20 of the Monterey Park Municipal Code ("MPMC") requesting approval of Tentative Map No. 073622 (TM-15-04) to subdivide one lot into 9 lots at 1585 Sombrero Drive ("Project");
- B. The proposed Project was reviewed by the Community and Economic Development Department for, in part, consistency with the General Plan and conformity with the MPMC;
- C. In addition, the City reviewed the Project's environmental impacts under the California Environmental Quality Act (Public Resources Code §§ 21000, *et seq.*, "CEQA") and the regulations promulgated thereunder (14 California Code of Regulations §§ 15000, *et seq.*, the "CEQA Guidelines");
- D. The Community and Economic Development Department completed its review and scheduled a public hearing regarding the proposed Project, before the Planning Commission for August 11, 2015, October 13, 2015, and February 13, 2018. Notice of the public hearing on the proposed Project was posted and mailed as required by the MPMC;
- E. On August 11, 2015, October 13, 2015, and February 13, 2018, the Planning Commission held a public hearing to receive public testimony and other evidence regarding the proposed Project including, without limitation, information provided to the Planning Commission by City staff and public testimony, and representatives of the Applicant, Yaonan Duan; and
- F. This Resolution and its findings are made based upon the testimony and evidence presented to the Commission at its August 11, 2015, October 13, 2015, and February 13, 2018 hearing including, without limitation, the staff report submitted by the Community and Economic Development Department.

SECTION 2: *Factual Findings and Conclusions.* The Planning Commission finds that the following facts exist and makes the following conclusions:

- A. The Applicant seeks to subdivide one lot into 9 lots, including 8 single-family lots and one private street;
- B. 1585 Sombrero Drive is zoned R-1 (Single-Family Residential) and designated Low Density Residential in the General Plan;

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- C. The Project property is located on the north side of Sombrero Drive, a local street with a 50-foot right-of-way. To the north, south, east and west of the subject property are residential uses;
- D. The Project property is 81,460 square feet (1.87 acres) in size and is currently a vacant hillside lot;
- E. The proposed lots will range in size from 7,648 square feet to 9,554 square feet;
- F. There is no specific plan adopted for this area;
- G. There are no rare plants, wild animals nor cultural, historical or scenic aspects within the surrounding area; and
- H. There are no public easements for access within the proposed development.

SECTION 3: Environmental Assessment. Because of the facts identified in Section 2 of this Resolution, the Project is categorically exempt from additional environmental review pursuant to CEQA Guidelines § 15332 as a Class 32 categorical exemption (Infill Development).

SECTION 4: Tentative Map Findings. The Commission finds as follows pursuant to Government Code § 66474 and MPMC Title 20:

- A. The proposed tentative map is consistent with applicable general and specific plans as required by Government Code § 66473.5. The tentative map for this project would allow for the construction of 8 single-family dwelling units once the lot is subdivided. According to the General Plan Low Density Residential land use category the allowed density is 0 to 8 dwelling units per acre or 1 dwelling unit per 5,445 square feet of lot area. There is more land to the unit than the minimum specified in the General Plan. The property is located on Sombrero Drive, which is adequate in size and capacity to accommodate the anticipated traffic that will be generated by the proposed development.
- B. The design or improvement of the proposed subdivision is consistent with applicable general and specific plans. The design of the proposed subdivision is consistent with the General Plan in that the project is a 9 lot subdivision project, which is compatible with the single-family dwelling units with private yards allowed in the low density residential category.
- C. The site is physically suitable for the type of development and the proposed density of the development. The size of the property is 81,460 square feet (1.87 acres) and adequate in size to accommodate a 9-lot subdivision project because in the R-1 Zone, one dwelling unit is allowed for every 6,000 square feet of lot area.

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- D. The design of the subdivision or the proposed improvements is not likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat. The subject property is bordered by residentially developed lots to the north, south, east, and west.
- E. The design of the subdivision or the type of improvements is not likely to cause serious public health problems.
- F. The design of the subdivision or the type of improvements will not conflict with easements, acquired by the public at large, for access through or use of, property within proposed subdivision.

SECTION 5: *Approval.* Subject to the conditions listed on the attached Exhibit "A," which are incorporated into this Resolution by reference, the Planning Commission approves Tentative Map No. 73622 (TM-15-04).

SECTION 6: *Reliance on Record.* Each and every one of the findings and determinations in this Resolution are based on the competent and substantial evidence, both oral and written, contained in the entire record relating to the project. The findings and determinations constitute the independent findings and determinations of the Planning Commission in all respects and are fully and completely supported by substantial evidence in the record as a whole.

SECTION 7: *Limitations.* The Planning Commission's analysis and evaluation of the project is based on the best information currently available. It is inevitable that in evaluating a project that absolute and perfect knowledge of all possible aspects of the project will not exist. One of the major limitations on analysis of the project is the Planning Commission's lack of knowledge of future events. In all instances, best efforts have been made to form accurate assumptions. Somewhat related to this are the limitations on the City's ability to solve what are in effect regional, state, and national problems and issues. The City must work within the political framework within which it exists and with the limitations inherent in that framework.

SECTION 8: *Summaries of Information.* All summaries of information in the findings, which precede this section, are based on the substantial evidence in the record. The absence of any particular fact from any such summary is not an indication that a particular finding is not based in part on that fact.

SECTION 9: This Resolution will remain effective until superseded by a subsequent resolution.

SECTION 10: A copy of this Resolution will be mailed to the Applicant and to any other person requesting a copy.

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SECTION 11: This Resolution may be appealed within ten (10) calendar days after its adoption. All appeals must be in writing and filed with the City Clerk within this time period. Failure to file a timely written appeal will constitute a waiver of any right of appeal.

SECTION 12: Except as provided in Section 11, this Resolution is the Planning Commission's final decision and will become effective immediately upon adoption.

ADOPTED AND APPROVED this 13th day of February 2018.

Chairperson Larry Sullivan

I hereby certify that the foregoing Resolution was duly adopted by the Planning Commission of the City of Monterey Park at the regular meeting held on the 13th day of February 2018, by the following vote of the Planning Commission:

AYES:
NOES:
ABSTAIN:
ABSENT:

Michael A. Huntley, Secretary

APPROVED AS TO FORM:
Mark D. Hensley, City Attorney

By:



Karl H. Berger,
Assistant City Attorney

PLANNING COMMISSION RESOLUTION NO.

Exhibit A

CONDITIONS OF APPROVAL

1585 SOMBRERO DRIVE

In addition to all applicable provisions of the Monterey Park Municipal Code ("MPMC"), Yaonan Duan agrees that he will comply with the following provisions as conditions for the City of Monterey Park's approval of Tentative Map No. 73622 (TM-15-04) ("Project Conditions").

PLANNING:

1. Yaonan Duan (the "Applicant"), agrees to indemnify and hold the City harmless from and against any claim, action, damages, costs (including, without limitation, attorney's fees), injuries, or liability, arising from the City's approval of TM-15-04 except for such loss or damage arising from the City's sole negligence or willful misconduct. Should the City be named in any suit, or should any claim be brought against it by suit or otherwise, whether the same be groundless or not, arising out of the City approval of TM-15-04, the Applicant agrees to defend the City (at the City's request and with counsel satisfactory to the City) and will indemnify the City for any judgment rendered against it or any sums paid out in settlement or otherwise. For purposes of this section "the City" includes the City of Monterey Park's elected officials, appointed officials, officers, and employees.
2. This approval is for the project as shown on the plans reviewed and approved by the Planning Commission and on file. Before the City issues a building permit, the Applicant must submit plans, showing that the project substantially complies with the plans and conditions of approval on file with the Planning and Building and Safety Division. Any subsequent modification must be referred to the Director of Community and Economic Development for a determination regarding the need for Planning Commission review and approval of the proposed modification.
3. The tentative map expires twenty-four months after its approval if the use has not commenced or if improvements are required, but construction has not commenced under a valid building permit. A total of three, one year, extensions may be granted by the Planning Commission upon finding of good cause. An application requesting an extension must be filed with the Community and Economic Development Department.
4. All conditions of approval must be listed on the plans submitted for plan check and on the plans for which a building permit is issued.

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5. Before building permits are issued, the applicant must obtain all the necessary approvals, licenses and permits and pay all the appropriate fees as required by the City.
6. The real property subject to TM-15-04 must remain well-maintained and free of graffiti.
7. Building permits are required for any interior tenant improvements.
8. Landscaping/irrigation must be maintained in good condition at all times.
9. A final map must be approved and recorded before the City issues a certificate of occupancy.
10. All enclosed garage spaces must be used for off-street parking only. There cannot be any personal storage or conversion of this space that would prevent the parking of vehicles in the enclosed garage. This condition must be included in the conditions, covenants and restrictions ("CC&Rs") recorded for this property.

BUILDING:

11. The second sheet of the building plans must list all City of Monterey Park conditions of approval.
12. A building permit does not permit excavations to encroach into adjacent properties. Requirements for protection of adjacent properties are defined in the California Civil Code §832.
13. The site plan must indicate the proposed path of building sewer, size of sewer line, location of cleanouts, and the invert elevation of the lateral at the property line.
14. A soils and geology report is required as part of plan check submittal.
15. Before the City issues a building permit, the applicant must obtain a permit from CAL-OSHA to construct the project.
16. The applicant must submit a compaction report for demolition of previous buildings to the Monterey Park Public Works Department for approval before the City allows the applicant to excavate new foundations.

ENGINEERING:

17. Under the Los Angeles County Municipal "National Pollutant Discharge Elimination System (NPDES) Permit," which the City of Monterey Park is a permittee; this project involves the distribution of soils by grading, clearing and/or excavation. The developer/owner is required to obtain a "General Construction

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Activity Storm Water” Permit, and the City of Monterey Park will condition a grading permit on evidence of compliance with this permit and its requirements. This project will require the preparation of a Low Impact Development (LID) and a Storm Water Pollution Prevention Plan (SWPPP). Upon approval of the NPDES document by the City, the applicant/property owner must submit an electronic copy of the approved NPDES file, including site drawings, before the City issues a building or grading permit.

18. The applicant must record the Final Map after the City approves the final map in accordance with the MPMC and accepts any applicable bonds or agreements. A refundable \$191 cash deposit must be submitted to guarantee that developer will provide the City with one (1) transparent 4 mil thick mylar tracing, one (1) electronic file of approved final map tracings transferable to City's AutoCAD and GIS systems and two (2) blueprints of the recorded map which must be filed with the City Engineer within three (3) months of recordation. If recorded copy is not submitted by the end of the three-month time period, developer will forfeit the \$191 cash deposit.
19. The applicant/property owner must provide written proof that there are no liens against the subdivision for unpaid taxes or special assessments and submit Los Angeles County tax bill, tax payment receipt, and copy of cancelled check before filing a Final Map with the City for approval.
20. The developer/owner is responsible for ascertaining and paying all City development fees such as, but not limited to, sewer deficiency fees, water meter fees and metered water service impact fees as required by the MPMC.
21. Covenants Conditions & Restrictions must be prepared and filed with the City to obtain City Attorney and the City Engineer approval. Developer/owner is responsible for securing the CC&R guidelines from the Office of the City Engineer. A copy of the recorded CC&Rs must be submitted before final inspection and clearance of the building permit.
22. All improvement plans, including grading and public improvement plans must be based upon City approved criteria. Benchmark references to be obtained from the Engineering Division.
23. A water plan must be submitted for review and approval by the City Engineer. This plan must substantiate adequate water service for domestic flow, fire flow and identify backflow prevention. If current fire flow and pressure tests are not available to substantiate adequate pressure and flow to serve the development, the developer is responsible for conducting the appropriate tests and submitting copies of the test results for review and ultimate approval by the City.
24. Water Division requirements are to be determined upon completion and submittal of a water meter sizing sheet by the applicant. This may include up sizing of

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water meter and water services. All upgrading costs are the responsibility of the property owner.

25. The domestic water demand should be provided to the City in the form of (Average Hourly Demand) and (Peak Hourly Demand). If it is determined that the surrounding infrastructure is inadequate to meet the additional demand of the project, the developer must provide recommendations to improve the system to a level needed to meet the additional demand. This should include hydraulic modeling and calculations supporting the recommendation. The proposed system improvements will be reviewed and validated by the City's Water Division and the City Engineer.
26. The applicant must provide survey monuments denoting the new property boundaries and lot lines to the satisfaction of the City Engineer. All maps must be prepared from a field survey. Compiled maps are not permitted unless prior approval is granted by the City Engineer. Whenever possible, lot lines must be located to coincide with the top of all man-made slopes. Any deviation from this requirement must be approved by the City Engineer.
27. The applicant must provide a site drainage plan for review and approval by the City Engineer. The property drainage must be designed so that the property drains to the public street or in a manner otherwise acceptable to the City Engineer. Drainage from contiguous properties must not be blocked and must be accommodated to the satisfaction of the City Engineer. A hydrology and hydraulic study of the site may be required for submittal to the City Engineer for review and approval.
28. All storm drainage facilities serving the development must accommodate a 50 year storm. If existing storm drain facilities are inadequate they must be enlarged as necessary. All storm drain facilities must be designed and constructed to Los Angeles County Department of Public Works standards and specifications and also the satisfaction of the City Engineer before approving grading and drainage plans.
29. A street lighting/photometric plans must be prepared for review and approved by the City Engineer. Streetlights must be installed along the frontage of the project site. The plans must be designed using Los Angeles County Standards.
30. Provide a street improvement plan for Sombrero Drive up to the street centerline. The street improvement must consist of pavement grinding and rubberized asphalt overlay and may require localized pavement repairs depending on the conditions of the streets. Construct new curb and gutter, main entry driveway, and 5-foot wide sidewalk. The improvements must be along the entire property frontage as approved by the City Engineer.

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31. Landscaping and irrigation plans must be prepared and all parkway tree types must be reviewed and approved by the City Parks Division.
32. All public works improvements must comply with the standards and specifications of the City and to the satisfaction of the City Engineer. All public works improvements must be completed and accepted by the City or a public works improvement guarantee and agreement posted before final map approved by the City Council.
33. All electric, telephone and cable TV utility services must be installed fully underground and to required City standards. Satisfactory provisions for all other utilities and service connections, including water, sewer and gas, shall be made to City and public utility standards. A utility plan must be prepared and submitted showing all existing and proposed utilities. The utilities may be shown on either a separate plan or on the proposed site plan.
34. Provide a Sewer Study for existing sewer contributory flow and sewer connection. If it is determined that the surrounding infrastructure is inadequate to meet the additional demand of the project, the developer must provide recommendations to improve the system to a level needed to meet the additional demand. A sewer connection reconstruction fee will be assessed at the time of issuance of a building permit in accordance with the provisions of Chapter 14.06 of the Monterey Park Municipal Code (MPMC).
35. Construct wheelchair ramp(s) in the curb return at the street intersection (main driveway entrance).
36. All buildings must have roof gutters and all roof drainage must be conducted to the public street or an approved drainage facility in a manner approved by the City Engineer.
37. Modify and/or correction the tentative map in accordance with the adopted conditions of approval of the tentative map and specific criteria noted by the City Engineer. Verify the drainage pattern of adjacent properties.

FIRE:

38. All conditions identified by the Fire Department are subject to the review and approval of the Fire Chief for determination of applicability and extent to which any condition may be required.
39. All structures must be fully sprinkler per the National Fire Protection Association (NFPA) 13D and local amendments.
40. Fire flow for entire project is 1,500 gpm at 20 psi for 2 hour duration. Verification of water supply available must be provided by the water purveyor upon building plan submittal. A reduction in the required fire flow up to 50 percent is allowed by

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a written request to the Monterey Park Fire Department ("MPFD") per California Fire Code (CFC) Appendix B/C.

41. A written request must be made to the MPFD for fire lane grade greater than 10 percent per CFC D103.2.
42. Fire hydrants must be provided to ensure all points of all structures are within 600 feet of a hydrant. Hydrants must be in place and operational before construction commencing per CFC 507.5.1.
43. All curbs must be painted red to indicate no parking allowed per CFC Appendix D103.6.1.
44. Address numbers must be provided on the street curb. Numerals must be 4 inches in height, two and one-half inches in width with a stroke width of approximately $\frac{3}{4}$ inches. The house number must be centered on a 6-inch by 16-inch rectangular background per MPMC § 13.17.050.

POLICE:

45. Adequate exterior lighting must be provided so that the units are visible from the street during the hours of darkness.
46. Address number must be illuminated during hours of darkness and positioned as to be readily readable from the street. Numbers must be at least 12 inches in height.
47. All common open areas must be well lit during the hours of darkness.

By signing this document, Yaonan Duan, certifies that the Applicant read, understood, and agrees to the Project Conditions listed in this document.

Yaonan Duan, Applicant

ATTACHMENT 2

Tentative Map No. 73622

ATTACHMENT 3

Planning Commission Staff Report, dated August 11, 2015



Planning Commission Staff Report

DATE: August 11, 2015

AGENDA ITEM NO: 2-B

TO: The Planning Commission
FROM: Michael A. Huntley, Community and Economic Development Director
SUBJECT: A Public Hearing to consider Tentative Map No. 073622 (TM-15-04) to subdivide one lot into 9 lots – 1585 Sombrero Avenue.

RECOMMENDATION:

It is recommended that the Planning Commission consider:

- (1) Opening the public hearing;
- (2) Receiving documentary and testimonial evidence;
- (3) Closing the public hearing;
- (4) Adopting the Resolution approving Tentative Map No. 073622 (TM-15-04) subject to conditions of approval; and
- (5) Taking such additional, related, action that may be desirable.

EXECUTIVE SUMMARY:

The applicant, Yaonan Duan, seeks a Tentative Map to subdivide one lot into 9 lots at 1585 Sombrero Drive ("Project Site").

The proposed project meets the City's zoning regulations and development standards. The Low Density Residential land use allows traditional single-family homes, with one dwelling unit permitted per legal lot. Residences in this category consist generally of single-family detached houses with private yards. The subject property is currently a vacant hillside lot. The existing developments on Sombrero Drive include single-family dwellings many of which were constructed in the 1960s.

Property Description

The project site is located on the north side of Sombrero Drive. The property is zoned R-1 (Single-Family Residential) and designated Low Density Residential in the General Plan. To the north, south, east, and west of the property are R-1 zoned lots. The project site has a frontage of 470.13 feet and an average depth of 247.05 feet, with a total lot area of 81,460 square feet (1.87 acres) in size.

Project Description

The proposed project is the subdivision of one lot into 9 lots. The subdivision will create 8 new residential lots and the 9th lot will be a private street. The new lots will range in area: Lot 1 (7,998 square feet); Lot 2 (7,648 square feet); Lot 3 (9,345 square feet); Lot 4 (9,067 square feet); Lot 5 (9,167 square feet); Lot 6 (9,339 square feet); Lot 7 (9,239 square feet); Lot 8 (9,554 square feet); and Lot 9 (private street). All of the proposed lots exceed the minimum lot area of 6,000 square feet.

Lot 1 will be constructed with a 2,998 square feet single-family dwelling with 4 bedrooms and an attached two-car garage. Lot 2 will be constructed with a 2,963 square feet single-family dwelling with 4 bedrooms and an attached 2-car garage. Lot 3 will be constructed with a 3,558 square feet single-family dwelling with 5 bedrooms and an attached 3-car garage. Lot 4 will be constructed with a 3,619 square feet single-family dwelling with 5 bedrooms and an attached 3-car garage. Lot 5 will be constructed with a 2,966 square feet single-family dwelling with 4 bedrooms and an attached 2-car garage. Lot 6 will be constructed with a 2,961 square feet single-family dwelling with 4 bedrooms and an attached 2-car garage. Lot 7 will be constructed with a 2,988 square feet single-family dwelling with 4 bedrooms and an attached 2-car garage. Lot 8 will be constructed with a 2,991 square feet single-family dwelling with 4 bedrooms and an attached 2-car garage.

The proposed dwelling units will meet the required front and rear setback of 25 feet, with 5-foot side setback for the first floor, and 10-foot side setback for the second floor. Each unit will be two stories, with a maximum height of 28 feet or less. The project complies with R-1 development standards.

Pursuant to Monterey Park Municipal Code (MPMC) § 21.22.050, a single-family dwelling that is less than 3,000 square require 2 enclosed garage spaces. A single-family dwelling that is greater than 3,000 square feet requires 3 enclosed garage spaces. Each enclosed parking space will have a minimum width of 9 feet and a minimum depth of 20 feet. The project site will be accessible from two driveways – three of the lots will be accessible from 108 Campanita Court and 4 of the lots will be accessible from Sombrero Drive.

The 9-lots will be regulated by CC&Rs and maintained by a Homeowner's Association. The project will provide 3.5 feet wide dedication on Sombrero Drive to allow for the construction of a new 5 feet wide sidewalk. Additionally, a 6 feet wide easement will be provided for planting and public utility purposes.

OTHER ITEMS:

Legal Notification

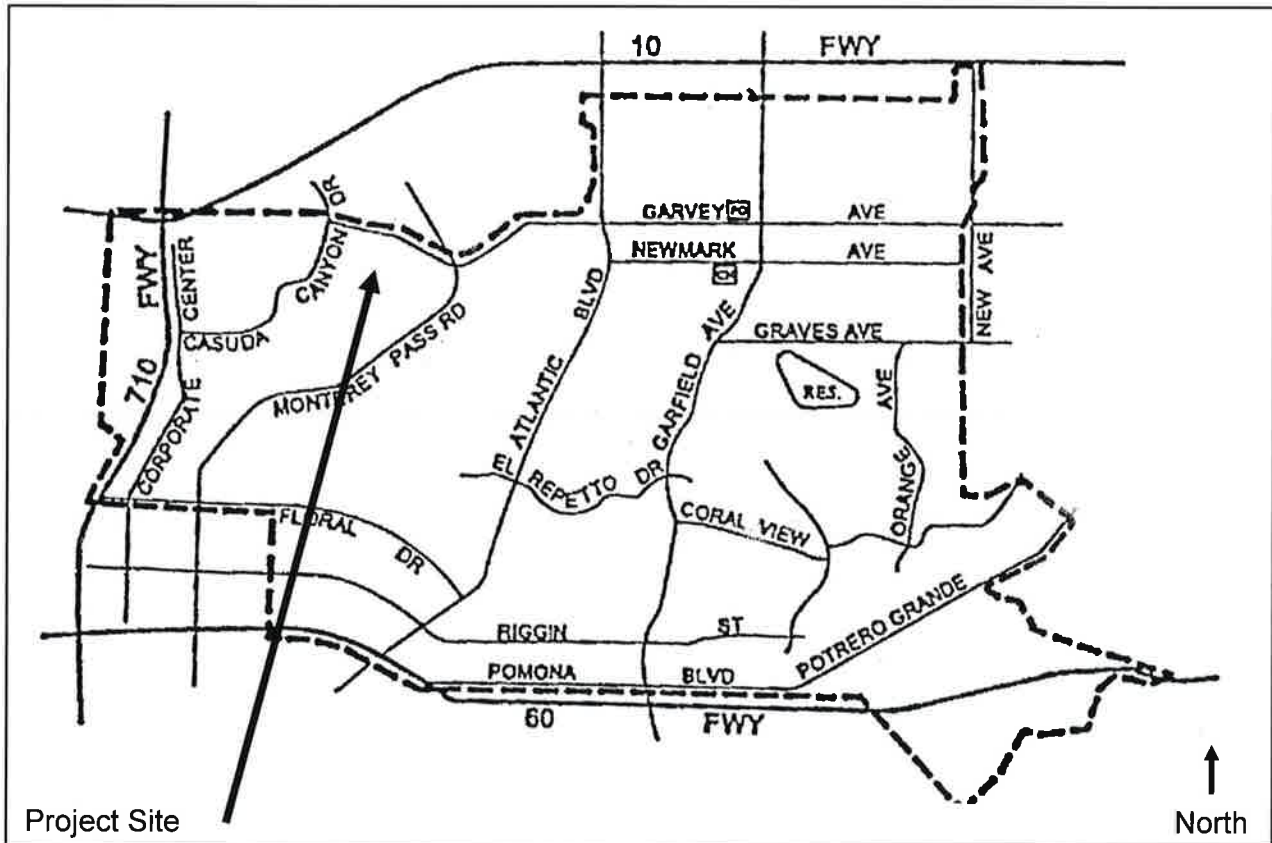
The legal notice of this hearing was posted at the subject site, City Hall, Monterey Park Bruggemeyer Library, and Langley Center on **July 24, 2015** and published in the Wave on **July 30, 2015**, with affidavits of posting on file. The legal notice of this hearing was

mailed to **152** property owners within a 300 foot radius and current tenants of the property concerned on **July 27, 2015**.

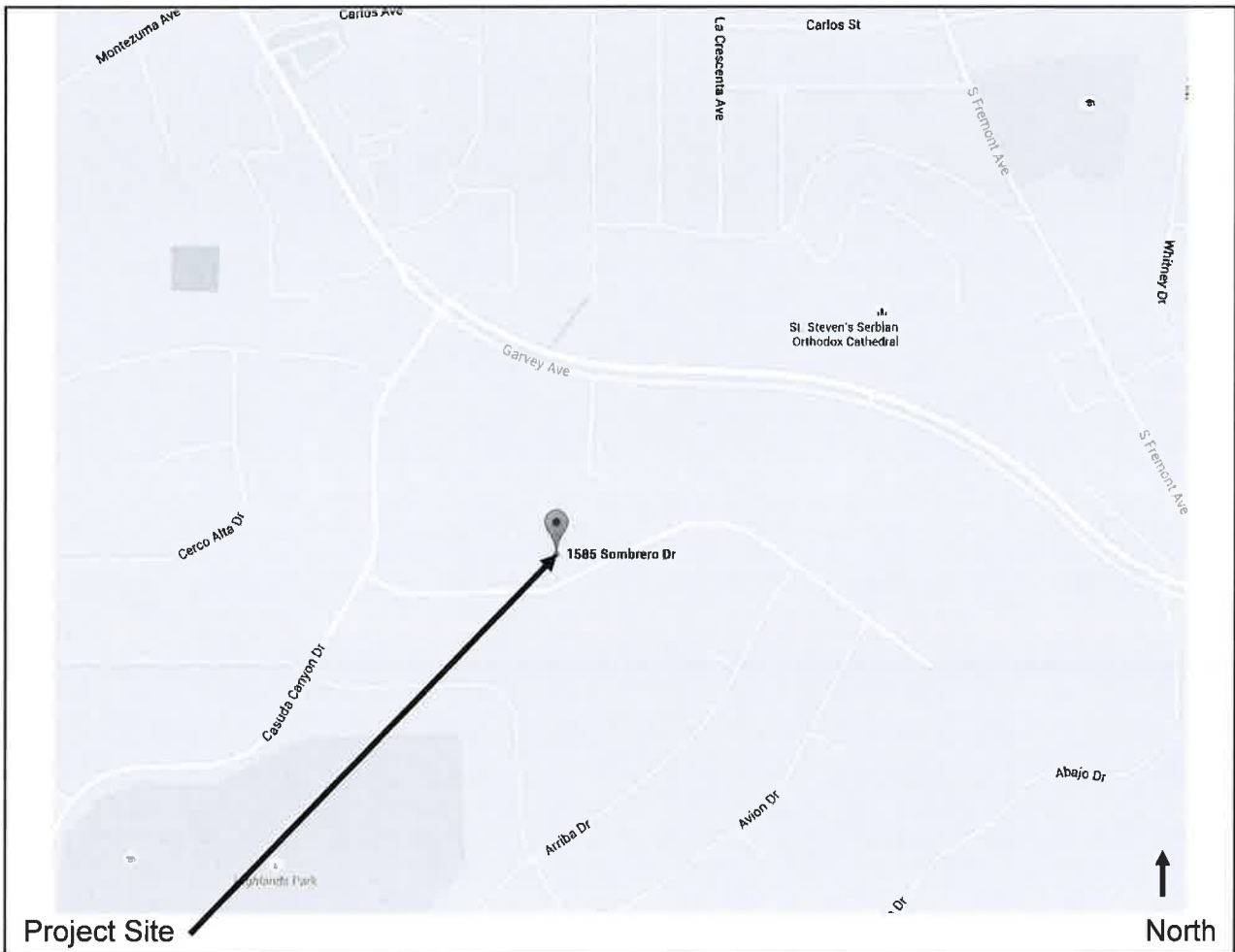
Environmental Assessment

The Project is categorically exempt from additional environmental review pursuant to CEQA Guidelines § 15332 as a Class 32 categorical exemption (In-fill Development).

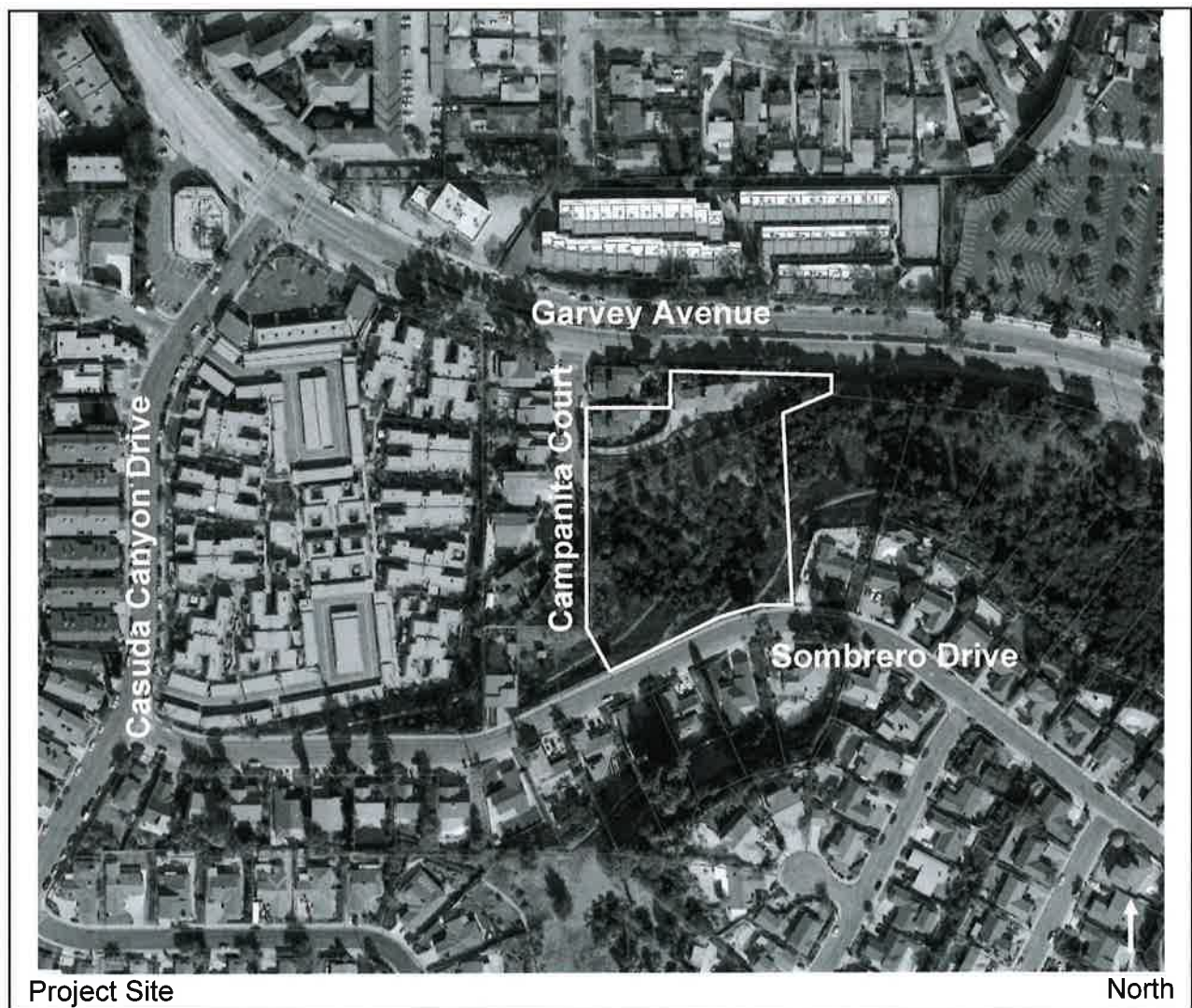
Vicinity Map



Street Map



Aerial Map



ALTERNATIVE COMMISSION CONSIDERATIONS:

None recommended. The proposed action is review of a tentative map only; no other discretionary review is proposed.

FISCAL IMPACT:

There may be an increase in property tax revenue as a result of the project, but the exact amount would be speculative.

Respectfully submitted,

Michael A. Huntley
Community and Economic
Development Director

Prepared by:

Samantha Tewasart
Senior Planner

Reviewed by:



Karl H. Berger
Assistant City Attorney

Attachments:

Exhibit A: Draft Resolution

Exhibit B: Site, floor, elevation plans and Tentative Map

ATTACHMENT 4

Planning Commission Minutes, dated August 11, 2015

**OFFICIAL MINUTES
MONTEREY PARK PLANNING COMMISSION
REGULAR MEETING
AUGUST 11, 2015**

The Planning Commission of the City of Monterey Park held a Regular Meeting of the Board in the Council Chambers, located at 320 West Newmark Avenue in the City of Monterey Park, Tuesday, August 11, 2015 at 7:00 p.m.

CALL TO ORDER:

Chairperson Garcia called the meeting to order at 7:00 p.m.

ROLL CALL:

Planner Tewasart called the roll:

Commissioners Present: Rodrigo Garcia, Ricky Choi, Larry Sullivan, Margaret Leung, Lincoln Lee

Commissioners Absent: None

ALSO PRESENT: Karl H. Berger, Assistant City Attorney, Michael A. Huntley, Director of Community and Economic Development, Samantha Tewasart, Senior Planner

ORAL AND WRITTEN COMMUNICATIONS:

None

AGENDA CHANGES AND ADOPTION:

None

APPROVAL OF MINUTES:

None

PUBLIC HEARING:

None

OLD BUSINESS:

None

NEW BUSINESS:

2-A. TENTATIVE MAP NO. 073487 – 418 SOUTH RUSSELL AVENUE (TM-15-03)

The applicant, Frances Tran, seeks a Tentative Map to subdivide air right to establish and maintain a 2-unit condominium conversion project at 418 South Russell Avenue.

Planner Tewasart provided a brief summary of the staff report.

Commissioner Sullivan inquired rather these condominium units will be sold at market price. Planner Tewasart replied yes.

Chair Garcia opened public hearing.

Chair Garcia closed public hearing.

Commissioner Sullivan stated that there is a discrepancy between the architectural plan and site plan. Planner Tewasart stated that the architectural plan is accurate.

Action Taken: The Planning Commission after considering the evidence presented during the public hearing adopted **Resolution No. 14-15** approving Tentative Map No. 073487 (TM-15-03) to allow the subdivide air right to establish and maintain a 2-unit condominium conversion project at 418 South Russell Avenue in the R-2 (Medium Density Residential) Zone.

Resolution No. 14-15, entitled:

A RESOLUTION APPROVING TENTATIVE MAP NO. 073487 (TM-15-03) TO ALLOW THE SUBDIVISION OF AIR RIGHTS TO ESTABLISH AND MAINTAIN A CONDOMINIUM CONVERSION PROJECT AT 418 SOUTH RUSSELL AVENUE.

Motion: Moved by Commissioner Lee and seconded by Commissioner Choi, motion carried by the following vote:

Ayes: Commissioners: Garcia, Choi, Lee, Leung, and Sullivan

Noes: Commissioners: None

Absent: Commissioners: None

Abstain: Commissioners: None

2-B TENTATIVE MAP NO. 073622 – 1585 SOMBRERO DRIVE (TM-15-04)

The applicant, Yaonan Duan, seek a Tentative Map to subdivide one lot into 9 lots at 1585 Sombrero Drive ("Project Site").

Planner Tewasart provided a brief summary of the staff report.

Commissioner Lee inquired rather this is a gated community. Planner Tewasart replied yes.

Commissioner Leung asked if streetlights will be install on the new street. Planner Tewasart replied that it is required by public works to install streetlights.

Commissioner Choi asked if this property had always been vacant in the past. Planner Tewasart replied yes.

Chair Garcia inquired rather the staff had looked at the soil report for this project. Planner Tewasart replied that the public works staff is currently reviewing the geotechnical report.

Chair Garcia opened public hearing.

Applicant Representative, Hank Jong, stated that the applicant hired a licensed soil engineer to conduct the soil report and they will follow the condition stated in the report.

Commissioner Lee asked if section CC, with 3 tiers of retaining wall, has the worst soil condition on the site. Representative Jong replied yes and stated that this section will require the most retaining wall.

Commissioner Lee inquired about the height of the retaining walls. Representative Jong replied that the maximum height for the wall will be 6 feet. Commissioner Lee inquired about the total elevation of all 3 tiers of the wall. Representative Jong replied that the elevation difference from the lowest point to the highest point will be 18 feet.

Commissioner Lee asked how far apart each tier of retaining wall will be. Representative Jong replied that each tier of wall will be 3 to 5 feet apart. Commissioner Lee stated that the retaining walls are laterally supporting each other which mean the engineer is designing an 18 feet retaining wall. Representative Jong stated that the structural engineer will decide on how to group the retaining walls but maximum exposure for each tier of wall will be 6 feet in height.

Commissioner Lee asked what type of foundation is the soil report recommending. Representative Jong replied that the soil report recommend using caisson.

Commissioner Lee inquired if the soil engineer had studied the slope sustainability of this hill. Representative Jong replied that the soil report indicated the soil in this area is stable but it will require additional foundation and caisson for the development.

Commissioner Lee inquired rather the city has a soil engineer reviewing the geotechnical report. Director Huntley replied that the city contract out to AECOM to review the report.

Commissioner Lee inquired rather this project requires an EIR. Planner Tewasart replied that this project is categorically exempt.

Commissioner Lee asked which aspect of the project is being review by the Commission. Director Huntley replied that the Commission is responsible for reviewing the zoning aspect of the subdivision.

Commissioner Leung inquired about the drainage. Representative Jong stated that for the higher side of the lot water will collect in a catch basin and then diverted down the slope, and for the lower side of the lot water will be diverted to the street using piping. Commissioner Leung asked which street the water is draining to. Representative Jong replied that almost 100 percent of the drainage will go to Campanita Court.

Director Huntley stated that this project will need to meet the Low Impact Development Standards.

Chair Garcia inquired about the storm water mitigations. Representative Jong replied that the engineer will probably install a subsurface chamber on the down slope side.

Commissioner Sullivan inquired rather the design of the development will change depending on the result of the geotechnical report. Representative Jong stated that the outlook of the house will not change but the foundation might change base on the result of the geotechnical report.

Commissioner Sullivan inquired rather the result of the geotechnical report will increase the maximum height of the building. Representative Jong replied that the development will follow the City's height standard.

Commissioner Sullivan stated that he is concerned that the geotechnical report will alternate the design of the tentative map and the design of the development.

Commissioner Choi inquired about the landscaping design. Representative Jong stated that the project will follow the City's landscaping requirements.

Commissioner Sullivan asked where the water will be coming from for this project. Director Huntley stated that the water will be coming from Garvey and Sombrero.

Chair Garcia expressed the Commission's concerns about the geotechnical report. Director Huntley stated that the Commission can continue this item until the consultant is finish reviewing the geotechnical report.

Representative Jong stated that after reviewing the preliminary soil report, he believes that the site is stable for this development.

Chair Garcia inquired if the report shows any historic slippage plate. Representative Jong replied no but there is some surface erosion due to the long period of vacancy.

Chair Garcia inquired rather all the proposed houses will need caisson. Representative Jong replied that most downhill lots will require a minimum of 20 feet depth caisson into the bedrock.

Public Speaker:

Ron Hirosawa, as a resident, expressed his opposition to the proposed project. Resident Hirosawa stated that he would like to know the identity of the investors because he is concern that the investor will abandon the project. Resident Hirosawa stated that he also has concern about the stability of the soil, drainage, and the layout of the project.

Paul Isozaki, as a resident, also expressed his concern on the stability of the soil due to the history of the area.

Linda Yoshioka, as a resident, expressed her opposition to the proposed project. Resident Yoshioka stated that she is concern that this development will affect the condition of her house because she does not believe the soil is stable.

Project representative, Arnold Chen, presented a brief summary of the project.

Commissioner Lee inquired about the location of the soldier pile. Representative Chen stated that he is not sure. Representative Chen stated that he will need the recommendation of the civil engineer and structural engineer to decide where the soldier pile will be located.

Commissioner Lee inquired if the house is located on top of the soldiers pile. Representative Chen replied that he does not have the answer at this moment.

Commissioner Lee inquired about the type of the soil the building is sitting on. Representative Chen replied that some of the buildings are sitting on bedrock. Representative Chen stated that some of the bedrock are 3 to 5 feet below the surface and some are deeper.

Commissioner Leung inquired rather the original lot 8 has an existing 2-story house. Representative Chen replied that the lot is vacant. Representative Chen stated that there is a 2-story house on one of the parcel located on Campanita Court. He purchased it so this project can have a better access.

Commissioner Choi inquired if the existing 2-story house will remain. Representative Chen replied yes.

Commissioner Sullivan stated that he is still concern about the historical issue of the hillside and the potential damage this development might cause to surrounding properties.

Chair Garcia stated that he would like to see the result of the geotechnical report before making a decision.

Chair Garcia closed public hearing.

Commissioner Lee stated that the hill is sliding at this moment and he is concern about the risk if the developer abandons the project due to the economy.

Commissioner Leung stated that she would like to see some mitigation factors that will ensure the surrounding neighbors will have insurance if there are any damages due to the construction. Commissioner Leung stated that she would also like the applicant to create a construction timeline.

Chair Garcia inquired if the Commission can condition the applicant to ensure that compensation will be provide to the surrounding residents if this development create damages to surrounding properties. Attorney Berger stated that the Commission can make their decision based on the soil report and suggested to continue the item. Attorney Berger stated that the approval of the subdivision map should not endanger the health and public safety.

Commissioner Sullivan stated that he would like to protect the surrounding hillside residents from damages created by this development. Attorney Berger stated that if there is an issue between the applicant and surrounding residents, it will be a private matter.

Commissioner Sullivan inquired if the Commission can condition that the applicant cannot receive a final construction approval if there is any pending legal issue. Attorney Berger stated that the Commission cannot add additional standards for permit approval.

Commissioner Lee inquired if the Commission can have the applicant to obtain a grading bond. Attorney Berger stated that the grading bond is a standard requirement for a grading permit.

Commissioner Choi stated that he shared the same concern with the other Commissioners, and he would like the soil report to be reviewed first before bringing this item back to the Commission.

Chair Garcia stated that he would like to continue the item after the review of the geotechnical report.

Commissioner Sullivan inquired if there is an outreach for this project. Director Huntley stated that a subdivision project usually does not require a community outreach. Commissioner Sullivan inquired if the staff notified the surrounding residents about this development. Director Huntley replied yes.

Action Taken: The Planning Commission after considering the evidence presented during the public hearing **CONTINUED** Tentative Map No. 073622 to subdivide one lot into 9 lots at 1585 Sombrero Drive in the R-1 (Single-Family Residential) Zone to the meeting of October 13, 2015.

Motion: Moved by Commissioner Sullivan and seconded by Commissioner Choi, motion carried by the following vote:

Ayes: Commissioners: Garcia, Choi, Lee, Leung, and Sullivan

Noes: Commissioners: None

Absent: Commissioners: None

Abstain: Commissioners: None

ITEMS FROM COMMUNITY AND ECONOMIC DEVELOPMENT:

Director Huntley stated that the next Planning Commission on, August 25, 2015, will consist of the South Garfield Village Specific Plan.

Chair Garcia inquired if there is an update from the staff. Director Huntley provided a brief update on some project.

ITEMS FROM THE COMMISSION:

None

ADJOURNMENT

There being no further business for consideration, the meeting was adjourned on August 11, 2015 at 8:30 p.m. to the next regular meeting on August 25, 2015 at 8:30 p.m. in the Council Chambers.

Michael A. Huntley
Director of Community and Economic Development

Approved on at the regular Planning Commission meeting.

ATTACHMENT 5

Project Geotechnical Report